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WORKING PAPERS ON PORNOGRAPHY AND PROSTITUTION

Report # 11

A REPORT ON PROSTITUTION IN QUEBEC

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REPORT ON PROSTITUTION IN QUEBEC

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ACKNOWLEDGMENTS

The research team would like to thank the 188 individuals who agreed to devote precious time and who spent considerable effort to make this report possible. We would also like to thank the many other people who assisted us in various ways with our research.



PREFACE

In order for this report to be read in the appropriate context, we would like to make three points clear.

First, we hope that the research and the report which resulted from it will be seen in the very special context in which they apply. The Quebec team was required to accomplish this research project, from the design of the interview sheets to the writing of the report, in four months. Also, one of our goals was to meet as many people as possible from the "milieu", including prostitutes, clients, procurers, and facilitators. Consequently, the entire project was conducted under pressure, with no opportunity for objective analysis of our work or our results, the kind of analysis so necessary to this type of survey.

This explains why we were not able to conduct adequate pre-tests and why certain adjustments had to be made as the research went along. It also explains why we had to hold back quantitative data about the milieu, which makes complementary analyses -- so necessary to the presentation of quantitative results -- difficult.

We should also point out that a major part of the research deals with individuals working illegally, hence their reticence to provide certain information. This explains the lack of detail about some questions, as in the case of data on income, which will undoubtedly leave the reader unsatisfied.

To obtain more specific and more thorough information on these questions, we would have had to spend more time with each respondent which, in turn, would have meant more time integrating ourselves into the environment. It would also have meant more time retranscribing interviews in a more detailed format.

Second, to simplify the preparation and reading of the report, we have used the word "prostitute" generically, that is, to refer to both male and female subjects. We specify the sex of the subject when the results refer exclusively to one or the other group.

Finally, the research was divided into two separate parts; independent researchers produced separate reports. This explains the stylistic differences between the two parts.

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INTRODUCTION

Under terms of reference laid down by the federal Department of Justice, our mandate was to describe adult prostitution and related activities as an occupation or business, and to describe recent social control efforts (Appendix 1).

To this end, we had to gather information from as many people in the business as possible: adult prostitutes, clients, procurers, facilitators, police, and other representatives of social control agencies. We also had to collect all the pertinent documentation (the texts of municipal by-laws, internal directives, and so on) and all the recent statistics. Our research was to cover Montreal, Quebec City, and Trois-Rivières, and to provide an overview of the so-called "rural" prostitution practised in the towns around Sherbrooke.

Beginning early in March 1984, a group of five individuals embarked on a demanding work schedule: the final project report was to be submitted by June 30, 1984. In order that the researchers could concentrate fully on their work, the project was divided into two parts, each conducted by separate, autonomous researchers, supervised by a co-ordinator. The first part concerned social control, and the second covered the "milieu".

In the first part of the report -- having described our methodology and our sample -- we consider prostitution on the basis of information obtained from individuals involved in the social control of prostitution, mainly police officers, crown attorneys, and judges. A number of social workers were also interviewed.

We begin by describing prostitution in each municipality, according to type (heterosexual, homosexual, and other); form (on the street, in bars, and so on); geographical location; variations arising out of economic conditions; and related activities (procuring).

Second, we discuss the way prostitution is perceived by social agencies, that is, whether it is considered a problem and, if so, to what extent.

Third, we describe the control exerted by social agencies, focusing on efforts in the area of municipal by-laws, day-to-day enforcement of the legislation (formal and indirect), and the difficulty and effectiveness of enforcement.

Fourth, we describe control efforts made by a citizens' group, and certain social programs designed for adult prostitutes.

Fifth, we present the attitudes of social agencies regarding various control models such as criminalization, decriminalization, and legalization. We also discuss the general and specific conditions they consider necessary to apply these models, and we explain the favoured solution.

In Part Two we consider prostitution as a business, from the point of view of those in the milieu (prostitutes, clients, procurers and facilitators). Having described our methodology and the population studied, we examine the various categories of prostitution and how they function in the municipalities where we conducted interviews "on the scene".

We then present an analysis of our target groups. As far as the prostitutes themselves are concerned, we consider their socioeconomic backgrounds, including sexual and criminal experiences; we discuss their reasons for prostitution and the advantages and disadvantages involved, emphasizing the significance of alcohol and drug use. We discuss services offered, rates, and the income and expenses involved. We also consider prostitutes' relations with their clients, procurers and facilitators. We determine their relations with the law and police forces, and consider their preferences for legislative change. Finally, we consider their mobility.

As far as clients are concerned, we begin by describing socioeconomic characteristics and go on to consider their motivations, the kinds of relationships they have with prostitutes, and the services they request. Their attitudes to current legislation and to desired amendments are also considered.

We examine the involvement of procurers and facilitators and provide an overview of their incomes. We describe the kinds of relationships they have with prostitutes and their views on current legislation.

PART ONE

PROSTITUTION AND SOCIAL CONTROL

SECTION ONE: THE NATURE OF THE PROBLEM

1. Definition and interpretation of the terms of reference

Prostitution seems to have become a fairly topical issue and a subject of general concern. It is a social phenomenon which we no longer seem able to control, at least not to the satisfaction of many concerned individuals. There seems to be general agreement that the current control mechanisms are inadequate and ineffective.

This is where the consensus ends. The lobby groups reflect several trends, although they share certain characteristics: partial and sometimes partisan views of the situation; a lack of coherence among solutions proposed; conflict between diagnoses of the problem and solutions suggested; and so on. It would be difficult to propose realistic changes on the basis of these elements alone. A systematic and rigorous study of the current situation was called for, to clarify the facts and to formulate a more effective social control model.

Given these requirements, we set ourselves the following three goals.

a) To describe adult prostitution as perceived by social control agencies in Montreal, Quebec City, Trois-Rivières, and Sherbrooke.

The work of social control agents puts them in direct contact with certain aspects of prostitution. They are in a position to make an overall assessment of the scope of the phenomenon, as well as its characteristics, consequences, and variations. People who are part of the milieu provided us with "inside" information, according to their particular roles. Hence the importance of obtaining the opinions of social agents, to provide a more complete picture.

b) To describe recent efforts toward social control and their impact in the same four municipalities.

Having described the phenomenon to be controlled, we had to look at control mechanisms used recently by municipalities. Since we already knew that these measures were inadequate (if this had not been the case, there would not have been so many requests to reconsider the problems), our goal was to present as well the shortcomings which make social control ineffective

for certain forms of prostitution. Here again, we gathered our information from social control agencies.

c) To report on the critical assessment by social control agents of possible control models: criminalization, decriminalization, and legalization. Identifying these shortcomings also involved indicating areas where changes are called for. All possible modifications had to be considered, and broken down to identify those offering the most realistic approach to the prostitution situation. Our goal was therefore to encourage social control agents to discuss the advantages and disadvantages of the various options, and to indicate which would offer an acceptable form of social control.

In conclusion, we feel we have succeeded to the best of our ability in achieving the three goals we set ourselves, given the time constraint.

2. Methodology

2.1 Formulation of analysis charts

We used various means to identify the relevant variables involved in sketching an accurate portrait of prostitution as a social phenomenon: we read some recent works on prostitution; we consulted the working paper submitted by the Fraser Commission, and a number of briefs addressed to that Commission; we studied questionnaires used by our colleagues in other provinces; and we conducted preliminary interviews with specialists in this area.

We then drew up a list of the various social control measures which could be applied to prostitution and which were relevant to our research. They included legislative control (acts or by-laws which govern prostitution directly or indirectly); police and judicial control (law enforcement by the police, crown attorneys and judges); and organizational control (public or parallel agencies offering rehabilitation programs or assistance). We then had to determine whether each type of social control existed and, where applicable, to describe its application and results, that is, its successes and failures.

Finally, we synthesized the elements particular to each of the social control models referred to by the Fraser Commission, listed the advantages and disadvantages of each, and considered arguments criticizing some current legislation for which changes have been suggested. This gave us a fairly accurate idea of the themes to raise with social control agencies, to obtain the clearest and most complete views possible regarding suggested changes.

Having clarified these elements, we formulated our analysis charts. Their preparation was greatly influenced by the choices we had to make about administering the questionnaire, and by the time constraints within which we had to design the charts.

The complexity of some themes to be considered made sending questionnaires through the mail inappropriate. The nature of the respondents' work and their geographical dispersal also ruled out group meetings. We therefore decided on a technique of individual interviews, which was more in keeping with the climate of trust required to obtain sincere and detailed answers. Respondents would be most unlikely to express their true feelings or reveal their trade secrets to strangers over the telephone, through the mail, or in group meetings.

2.1.1 Interview sheets for police, crown attorneys, and judges

We prepared formal questionnaires for these groups (appendices 2 to 4), but we intended to use them in a flexible way, on the basis of the type of respondent, the way the interview was proceeding, and the general progress of the research. For example, it proved more relevant to consider points A to G of questions 97 to 107 of the police questionnaire on the basis of sections of the act or municipal by-laws, rather than on the basis of various forms of prostitution, as originally planned, because the replies proved redundant and were slowing down the interview.

The questionnaires were also intended to serve as prompts for the interviewer (since the interviews were generally semi-structured) and as tools to facilitate the retranscription of information.

As for content, we made sure to cover all the themes mentioned earlier: a description of prostitution, the perceptions of social control agents, the application of social controls, and assessment of the various control models possible.

An overview of some of the themes mentioned follows:

- known and estimated number of prostitutes
- types and forms of prostitution
- geographic location and mobility of prostitutes
- significance of procurers and facilitators
- perceptions of social control agents about prostitution as a social phenomenon
- resulting social costs and problems
- need for social control
- current legislation and municipal by-laws
- day-to-day law enforcement by police forces, crown attorneys, and judges
- difficulties inherent in enforcing the legislation
- informal control of prostitution
- unforeseeable consequences of enforcing legislation
- effectiveness of enforcing legislation

- appraisal of the various social control models possible (criminalization, decriminalization, legalization and others).

As far as the interview format was concerned, we wanted to facilitate proceedings by giving respondents the opportunity to cover the questions most relevant to their jobs first, and to consider matters of opinion or attitudes second. We also wanted to make it possible for subjects to qualify and to elaborate on their responses without too much direction. Hence the inclusion of stereotypical attitudes about prostitution, on which respondents were asked to comment. This also made it possible to obtain a more complete picture, by suggesting themes that the respondent might otherwise have forgotten in answering a general question such as "What do you think of prostitution as a social activity?"

Finally, as far as their assessment of possible social control models was concerned, we wanted to ensure that comments would be based on careful consideration. This is why we began by asking for comments on essential controls which should be maintained regardless of the option chosen, then on specific controls for each model, and the pros and cons of each option. It was only after completion of this exercise that we asked for personal opinions and for the reasons behind them.

We will not list all the details of the questionnaires and the reasoning behind each question here. Readers who would like to know the general structure of the interviews, and the nature of themes and subthemes considered, may refer to appendixes 2 to 4.

2.1.2 Interview sheets for other types of respondents

In addition to the questionnaire for police, crown attorneys and judges, we prepared interview sheets appropriate to the type of respondent. This was the case for public or parallel agencies, the directors of municipal legal departments, and police supervisors.

As for public or parallel agencies, we wanted to find out what programs they offered specifically for prostitutes, and their effectiveness. We wanted to find out from the directors of legal departments some background and prospectives in terms of municipal by-laws governing prostitution. Finally, we wanted to find out from police supervisors about the official policies and organizational structures of various police forces. The detailed interview sheets are reproduced in appendixes 5 to 7.

2.2 Data collection, analysis, and presentation methods

2.2.1 Data collection

2.2.1.1 Interviews

Most of the data was based on personal interviews held between April 2 and May 22, 1984 (although preparatory interviews were conducted during the week of March 19, 1984). The average duration of interviews depended on the category of respondent: three hours for police officers; two and a half hours for crown attorneys; one hour and a half for judges; thirty minutes for social workers and participants working in the field; and one hour for directors of legal departments.

The only exceptions to this data collection method were two telephone interviews with "social workers in the field". These respondents did not have enough relevant information to warrant a personal interview; they provided what information they did have over the telephone.

No interview was terminated until all the themes had been covered. All the respondents had an opportunity to speak freely on each theme, with no time constraint; some individuals took time to clarify or to correct previous answers.

Most of the interviews were conducted on a one-to-one basis. However, sometimes two respondents were interviewed at the same time. This occurred with police officers when a supervisor who was less actively involved preferred to have one of his officers participate in the interview. In this situation we were able to conduct the two interviews in parallel fashion, with each respondent answering the questions asked of him or her.

The questionnaires for police, crown attorneys, and judges served as models and technical guides for the interviews, although they were not used with this sole purpose. The questionnaires made it possible to avoid overlooking any of the subthemes, and allowed us to ask respondents specific questions on subjects which they had not raised spontaneously. Preformulated answers and space allocated for spontaneous responses allowed the interviewer to listen more keenly. Since note-taking was simplified, we could pay more attention to the attitudes of respondents and to the anecdotes they recounted. This made it possible to glean many especially interesting remarks.

The interviews conducted without using the questionnaire were generally much shorter. Notes were taken and were always transcribed to prepare interview reports.

2.2.1.2 Observation of the milieu

Although interviews were the chief source of information, observation of the milieu made it possible to illustrate and to clarify the interviews. It also allowed us to assess the validity of the data collected during interviews. Through police assistance, we were able to see for ourselves how a police operation works. We participated in police patrols through sectors known for street prostitution, in an unmarked car, with plainclothes officers. We also participated in surveillance activities conducted to acquire evidence about a common bawdy-house. We narrowly missed a raid on such an establishment. Unfortunately the raid was called off because some of the investigators had been identified. However, we learned much about the atmosphere, preparations and difficulties inherent in carrying a case through to completion.

Finally, we accompanied a social worker into two establishments where prostitutes rest during working hours.

2.2.1.3 Statistics

A final source of information was statistics on the results of police and judicial controls in each of the municipalities. We will not discuss data collection or presentation methods here; these points will be covered with the presentation of results.

2.2.2 Compilation and analysis of data

We had to use several methods for compiling data, based on the different types of questions and answers. The various modes of data compilation, and of information synthesis, in turn affected the types of analysis possible and the presentation of results.

As far as the descriptive variables are concerned, the questions used made it possible for us to compile quantitative data (incidence of the various types and forms of prostitution, statistics, incidence of certain problems associated with prostitution) and qualitative information (description of social control efforts and of desirable ways to apply them to the various social control models possible).

As for measurable data, the analysis took into account figures at both ends of the spectrum, as well as averages for respondents' answers. For example, ten police officers might have supplied us with ten different answers on the number of known prostitutes. The lowest figure could have been 100 and the highest 1000, with the other eight responses situated between the two figures.

In those cases we retained the two extremes and calculated an average for the ten subjects' responses.

For the qualitative information we used a synthesis of all the elements mentioned by respondents, most of whom provided similar information. A few supplied details and we felt it would be useful to include these details in the general description, even though all the respondents had not provided them. However, we always took care to have the accuracy of these points confirmed by subsequent respondents.

With regard to the opinion variables (perception), two methods for compiling, analysing, and presenting the data were used.

For closed questions, the scores obtained for each response choice were calculated. Except where the scores showed a wide margin of overlap in opinions which we felt required elaboration, the analysis took into account only general trends. Time constraints did not permit much more elaborate processing of the data.

Additional comments on subjects covered in the closed questions, responses obtained in the "other" and "specify" categories of the semi-open questions, and the information provided for open questions received additive treatment. In other words, we retained and transferred every item of information supplied, regardless of the frequency with which it appeared. We felt that one original opinion was as significant -- perhaps more significant -- than a general opinion. However, if some arguments were very popular, we indicated this in passing, so as to bring to light more effectively the general trends of the synthesis applied.

2.2.3 Method for presenting results

A few clarifications are called for regarding the presentation of results. As far as the factual descriptions of prostitution are concerned, we processed and presented our results individually, for each of the cities in question. We used a similar approach to describe social controls (including statistics), except where some elements were quite clearly common to the four cities. For example, the sections of the Criminal Code are identical from one city to another; this part of the study on legislation was therefore conducted at once for the four cities. On the other hand, the municipal by-laws are specific to each and called for individual treatment.

As for attitudes and opinions, we had to present our results on the basis of the categories of respondents, without separating them by geographical region. The data had to be processed by category rather than by municipality, essentially to guarantee the confidentiality which we had promised our respondents. It

would have been very easy to trace sources of information in a city where only one respondent in a particular category had been interviewed.

2.3 Selection of target groups and interview subjects

We have already identified three levels of social control relevant to this study: legislative control; police and judicial control; and that of public, private, or parallel agencies. We had to determine target groups for each category and, within these groups, we had to select a number of people to be interviewed. The choice of individuals was based on their representativeness, the size of target groups, and the time available.

2.3.1 Legislative control

Certain sections of the Criminal Code concern activities related to prostitution. These sections are not specific to Quebec (and thus not specific to the four municipalities in question). Some Quebec municipalities have made efforts to control prostitution by more or less directly regulating related behaviour and activities.

Essentially, we wanted to know whether the four municipalities had adopted such by-laws, and what had motivated them to take or not to take this action. We also wanted to find out whether such regulations were being prepared and whether certain reactions or scenarios were considered likely, with an eye to possible amendments to the Criminal Code. In our opinion, the directors of the legal departments in each city (or their assistants responsible for formulating such by-laws) were the people most likely to be able to advise us on these questions.

2.3.2 Police and Judicial Control

2.3.2.1 Selection of target groups in the four municipalities

Laws and by-laws to control a phenomenon necessarily entail control agents to enforce such legislation. The target groups we chose were the police, crown attorneys, and judges.

The police are on the front lines as far as enforcement is concerned: if they do not exercise control, if they do not arrest offenders, then the acts and by-laws cease to have value. Once the offenders have been arrested, the level of control changes. Offenders are charged and efforts are made to punish them and to dissuade them from repeating the offence. The crown attorney is responsible for presenting a case which could lead the judge to condemn the offence with a harsh sentence.

It was impossible for us to interview all the police officers, crown attorneys, and judges in each of the four cities. Preliminary interviews and telephone conversations with heads of these groups (police chiefs, chief attorneys, chief judges, and so on) helped us understand the organizational and/or operational structures of these groups, and we selected our respondents accordingly.

The four cities in question all have a municipal police force. Two cities -- Montreal and Quebec -- have special morality squads to which officers are assigned. The regional alcohol and morality squads (Les Escouades Régionales des Alcools et de la Moralité, or ERAM), part of the Quebec provincial police force, could theoretically take action in these cities. In practice, however, they leave control of such matters to the municipal morality squads.

In Sherbrooke, the municipal police force conducts indirect surveillance of "suspicious activities", which it is quick to report to the ERAM specialists; budget cuts make it impossible for this municipality to assign plainclothes officers to morality. Furthermore, their own investigators are few and are easily recognized.

In Trois-Rivières there is only one municipal police officer in charge of morality cases; for reasons similar to those mentioned for Sherbrooke, cases are generally referred to the ERAM, unless the evidence and intervention required do not call for sophisticated methods.

2.3.2.2. Selection of subjects in Montreal

In Montreal we were to meet the municipal police officers assigned to morality. They are divided into five groups, working with the assistance of an adviser/co-ordinator.

The morality, alcohol, games and betting squad (l'Escouade de la Moralité, des Alcools, Jeux et Paris) of the Montreal Urban Community headquarters, better known as "Grosse Moralité" (the big morality squad), operates throughout the MUC territory. One lieutenant, one sergeant, and six patrol officers work exclusively with morality cases, mainly prostitution and pornography.

The MUC territory has been divided into four regions: centre, north, east, and west. Each has a regional intervention section (SIR), which combines a service on morality, alcohol, games, and betting. Morality cases are only one part of the job of individuals assigned to this section, and the scope of the job varies from one region to another. It is a very important activity in the centre region, significant in the west, and insignificant in the east and the north. Staff of the SIR

sections are assigned as follows.

SIR Centre:	1 lieutenant	1 sergeant	8 officers
SIR North:	1 lieutenant	1 sergeant	4 officers
SIR East:	1 lieutenant	1 sergeant	3 officers
SIR West:	1 lieutenant	1 sergeant	4 officers

The staff was divided up this way for two main reasons: first, to ensure double control, as each region is served by two squads (the morality, alcohol, games and betting squad of the MUC headquarters and the SIR squad), so that eluding or bribing two services would be more difficult; and second, to ensure a cover adapted to the environment in each region (decentralization).

The adviser/co-ordinator passes the information to the various groups concerned, supervises the organization of common operations, and ensures that there is no duplication of resources.

Our timetable and that of the thirty-six police officers mentioned did not allow us to meet them all. Given the structure and the emphasis on decentralization, we felt it was important to meet the adviser/co-ordinator and at least one officer representing each region, as well as an officer from the morality squad at headquarters. We wanted to talk to them about the structure of their services, their goals, operations, and so on. We also decided to meet as many officers as possible, by concentrating our efforts on those working in the morality squad at headquarters (as they cover the whole of Montreal Island they are in a position to pass on more information), and those working in the central region (as they devote more time to morality cases).

In Montreal, all cases related to prostitution come up in the Municipal Court, even though some must be transferred to the Court of Sessions of the Peace, following the preliminary inquiry (mainly procuring cases, which are few). We therefore wanted to meet the Municipal Court crown attorneys and judges.

Of eighteen crown attorneys, five were particularly involved in morality cases. One supervises the four others, is in constant contact with the police officers, and authorizes proceedings. We wanted to meet this individual first and ask to be referred to at least one of the four colleagues who would be representative of the group.

As far as judges are concerned, fourteen sit in the Montreal Municipal Court. Each, in turn, hears cases related to prostitution. We decided to meet the Chief Judge, and we asked him to designate two representative colleagues, based on their seniority on the bench.

2.3.2.3 Selection of subjects in the other municipalities

In Quebec City, Sherbrooke, and Trois-Rivières, telephone contacts made it possible for us to determine that there were few potential respondents in these cities.

In Quebec City we hoped to meet at least one supervising officer. We also wanted to interview the two officers assigned to morality. Since prostitution cases are heard in the Municipal Court, it was at this level that we were to meet the crown attorneys and judges. Our telephone contacts revealed that one crown attorney looked after this type of case and that, of the two judges sitting in this court, the Chief Judge had the most experience in the area. We felt it was essential to meet each of these respondents.

In Sherbrooke, we considered it important to meet a representative of the municipal police force (with more direct knowledge of the city) and at least one ERAM officer. We also wanted to interview the only investigator specializing in prostitution cases, who was working in Sherbrooke. In that city prostitution cases are heard in the Court of Sessions of the Peace; only one crown attorney and one judge were identified as relevant respondents.

The selection in Trois-Rivières was conducted in similar fashion to that in Sherbrooke, for exactly the same reasons.

2.3.3 Organizational control

Today, many public agencies and several parallel organizations offer special services for particular minority groups. It seemed plausible that specific programs might exist for adult prostitutes.

If this proved correct, we planned interviews with a director at the social services centre of each municipality, and with the head or administrator of the program identified.

In conclusion, we set out with a fairly impressive list of possible respondents within our target groups.

2.4 Validity of results

We did not have enough time to establish infallible methods for confirming our results. However, we have some indications that our results are valid.

The interviewing atmosphere was conducive to honesty. The respondents never appeared reticent, and they never gave the impression of co-operating with us under duress. Most of the time we were received warmly or even treated as friends.

The wide range of responses obtained and nuances contributed to questions on the perceptions of respondents within the same work groups indicates that they had not been advised in advance about what they should or should not say.

Furthermore, the fairly high degree of consistency in responses to the descriptive questions shows clearly that respondents took the survey seriously and that they were qualified to answer.

Although there was no way to validate the coherence of participants' responses internally (we lacked the necessary time and resources), the great majority seemed very structured and logical.

On the other hand, we ensured some external validation by asking later respondents to confirm or refute information which, until then, only one respondent had provided. We also used third party responses to decide between contradictory statements.

Given the representativeness of our respondents, we are convinced of the validity of our results.

3. Description of the sample

We will use the term "sample" because of the representative nature of our respondent group, as will be explained later.

3.1 Composition and representativeness of the sample

3.1.1 Composition

We were not able to interview certain people whom we intended to interview, for several reasons. For example, during the course of the research, we discovered that none of the social service centres had a special program for prostitutes. Consequently, we decided there would be no point in conducting interviews at these agencies, except in Montreal, where one person had helped prepare a brief to the Fraser Commission. In Trois-Rivières, the crown attorney had to cancel our meeting at the last moment. In Sherbrooke, an investigator was preparing a police operation and was unable to see us. In Montreal, we found that some of the SIRs (SIR north, for example) handled few, if any, prostitution cases. We therefore concentrated our efforts on the headquarters and the SIRs which were active as far as prostitution was concerned. Overall, the vast majority of the people we planned to interview were contacted, and they participated in our investigation.

As a result, the final sample -- upon which this report is based -- is broken down as follows:

3.1.1.1 Sample breakdown for the four municipalities
(53 people)

The total sample consists of 53 people, and is broken down as follows:

- four directors of legal departments and one assistant
- twenty-four police officers of various ranks assigned to morality cases
- four crown attorneys
- six judges
- one lawyer-consultant (Montreal Urban Community Police Commission)
- one liaison officer (statistics) and one government statistician
- two social workers
- one community health department doctor
- two active members of "La Piaule" (parallel agency which assists female adult prostitutes)
- one director of "PIAMP" (a project to assist juvenile prostitutes)
- one criminal defence lawyer

We interviewed a defence lawyer to determine the extent to which such lawyers can help their clients escape certain forms of control, and also to validate information obtained from other respondents. Since this lawyer had worked mainly in Montreal, we listed him as a respondent from that municipality.

Obviously, these 53 people are distributed unevenly, according to the size of the municipalities in question, as will be seen.

3.1.1.2 Sample breakdown for Montreal (32 people)

Our 32 respondents are divided up as follows:

- the director of the municipal legal department and one of his assistants
- seventeen police officers assigned to morality cases
- the lawyer-consultant from the MUCPC and author of the brief to the Fraser Commission
- one liaison officer (statistics)
- two crown attorneys, including the Chief Crown Attorney (Municipal Court)

- three judges, including the Chief Judge (Municipal Court)
- one social worker from the Centre des Services Sociaux du Montréal Métropolitain
- one doctor from the community health department of St-Luc hospital
- two active members of "La Piaule"
- one director of "PIAMP"
- one defence lawyer

3.1.1.3 Sample breakdown for Quebec City (9 people)

The subjects are divided up as follows:

- the director of the municipal legal department
- five police officers currently or formerly assigned to morality cases
- one government statistician
- one crown attorney (Municipal Court)
- the Chief Judge (Municipal Court)

3.1.1.4 Sample breakdown for Sherbrooke (6 people)

In Sherbrooke our respondents were divided up as follows:

- the director of the municipal legal department
- two police officers, including the municipal police chief
- one crown attorney
- one judge
- one social worker from the social services centre

3.1.1.5 Sample breakdown for Trois-Rivières (6 people)

- the director of the municipal legal department
- four police officers assigned to morality cases
- one judge

3.1.2 Representativeness

Subjects from within target groups were not selected at random. In the case of the morality squad (Montreal headquarters), all the police officers except one were interviewed. In Sherbrooke, only one crown attorney was familiar with prostitution cases and he was interviewed.

On the other hand, as far as particular groups are concerned (Montreal crown attorneys and judges, and so on), we were referred to those considered as the most representative people in their fields.

Given the size of the sample reached and the competence of respondents, we feel that we obtained a representative sample of institutional social control agents working in the area of prostitution.

SECTION II: PRESENTATION OF RESULTS

1. Description of prostitution in the four municipalities under study

1.1 Description of prostitution in Montreal

Of the four cities we looked at, it was easiest to paint a picture of prostitution in Montreal. Sheer numbers was one reason for this, but our main advantage was the quality of information provided by the specialized police officers assigned to morality.

Montreal is the only city we studied where there is still an ongoing, concerted effort to combat activities related to prostitution. The specialization of police officers and their regular contact with the milieu counterbalance understaffing and allow them to assess more effectively the real situation in that city.

1.1.1 Known and estimated number of prostitutes

Police estimate that they are aware of between 500 and 600 permanent prostitutes in Montreal. These figures are not based on the total number of prostitutes arrested and on file to date, which is much higher. Rather, they reflect the usual number of prostitutes operating at one time over a long period. Some "retire" (from the neighbourhood, the city, or the "profession") after having been arrested once or several times; newcomers arrive and it may be some time before they are put on file, and so on.

Approximately 80% of the known prostitutes work in the Montreal Urban Community central region. The other 20% are divided among the western (15%), northern (2.5%) and eastern (2.5%) regions.

Known prostitutes are only the tip of the iceberg. However, it is difficult to estimate what the actual number of prostitutes might be. Such an estimate depends on the number of police officers on staff (since certain activities remain unknown or little known for lack of time to look into them), and on the way prostitution is defined. As far as the definition is concerned, the figures could be much higher if they included individuals who resort to prostitution only very occasionally (one or two clients to make ends meet at the end of the month, for example) and those who trade their sexual favours, more or less directly, for gifts, accommodation, promotion, and so on.

Excluding such cases, the police estimate a mean figure of 3,000 prostitutes on Montreal Island, 40% of whom are concentrated in the central region. There are more prostitutes unaccounted for

outside this region, where operations are more discreet and where the police have difficulty intervening.

1.1.2 Types of prostitution and their relative incidence

In Montreal, most prostitution among adults is heterosexual, practised by women (about 52%). Homosexual male prostitution accounts for about 32% of activity. There is also prostitution among transvestites and among transsexuals at various stages of change (from male to female). The latter group, which accounts for about 11% of activity, is generally included with the statistics on female, heterosexual prostitution, because it focusses on the same clients (who usually believe they are dealing with women). It would be wrong to suggest that there is no homosexual prostitution among women or heterosexual prostitution practised by men, but these are marginal and relatively unknown groups accounting for about 5% of all activity. Finally, there is group prostitution involving several heterosexual or homosexual partners, but this is even more marginal.

1.1.3 Forms of prostitution and their relative incidence

Street "solicitation" is the most widespread form of prostitution, accounting for about 60% of activity. Dating, escort, hostess, and modelling agencies, and photo studios, offer companionship or various other services quite openly (11%). It is also possible to pay for sexual relations in clubs and bars (11%) as, for example, in the bars of several major hotels. The same services are available in many other less prestigious clubs and bars. "Erotic" clubs and bars with nude dancers also present possibilities but to a much more limited degree, since such establishments are very closely watched by morality squads, liquor licensing authorities, narcotics officers, and so on. Since erotic clubs and bars are very lucrative businesses, the owners are wary of organized prostitution operations, as they could risk losing their licenses. However, this does not prevent some nude dancers, both male and female, from prostituting themselves after working hours.

Over the past few years another form of prostitution has developed rapidly, to the point where it has become as widespread as that practised in agencies and bars: prostitution through classified advertising, which accounts for about 11% of activity. There are specialized publications for this, but quite explicit ads are becoming increasingly common in the large daily newspapers.

Furthermore, with the increase in homosexual male prostitution, saunas for men have become more popular (5%). In such establishments, indecent acts and acts of gross indecency (sexual relations in a public place with no exchange of money) occur

more than prostitution, but it does exist to some extent. This is also the case in the public washrooms of large shopping centres and other high-traffic public buildings.

On the other hand, some forms of prostitution which were highly publicized during the mid- to late seventies have become much less prevalent. This is true, for example, of massage parlours, although they do still exist on Montreal Island (2%). They are found mainly in the suburbs of the Montreal Urban Community, because the City of Montreal by-law on massage establishments allows the police to move in quickly and effectively in that municipality. Such establishments are usually closed down after two weeks of operation.

Finally, we should mention some very marginal prostitution operations: solicitation by the prostitute from a taxi; offers of prostitution following erotic telephone conversations, and so on.

1.1.4 Geographic location of prostitution

Police are aware that prostitution is practised throughout the island of Montreal, but it is centred in the downtown area. There are several high activity areas in the central region, and it is the only part of the island where street solicitation is practised.

The most famous area for female prostitution is "the Main", so called because it developed on St-Laurent Boulevard, which is also called "the Main". This area has expanded greatly over the past few years and it now includes, to varying degrees, all the streets within the sector bounded by Sherbrooke Street (to the north), Dorchester (to the south), St-Hubert (to the east) and Bleury (to the west). All the forms of prostitution described are practised here, but street solicitation is the most prevalent. Prostitutes still offer a full range of sexual services in the neighbourhood's tourist rooms, but the area specialty is now "blow jobs" (fellatio) practised in discreetly parked cars.

A second area is the Carré St-Louis (St-Louis square) consisting of the square itself and Laval Street as far as Des Pins Avenue, with some overflow onto Duluth Street; the operations here are similar to those on "the Main". A third area, farther west, includes Ste-Catherine Street near the cross streets of Drummond, Stanley, and Peel. This area offers street prostitution catering to Anglophones.

There is also prostitution in the major downtown hotels and other bars in these areas.

Homosexual prostitutes have their own areas: Dominion Square, Lafontaine Park, Mont-Royal Park (in the summer), and the washrooms of public buildings.

The geographic demarcation of these areas is fairly stable, except for some expansion of the "Main" sector, as a result of an increase in prostitution over the last few years.

It is apparently quite rare for prostitutes to move from one area to another, since the specific character of the areas (in terms of types and/or classes of prostitutes) does not always permit this. Outside their own areas prostitutes are not known or accepted, and they would not have access to their regular clients. In short, prostitutes change sectors only if they have to, either because a parole condition prohibits them from frequenting certain areas, because police intervention has become too intense, or because business is not good enough during certain periods.

As far as the western, northern, and eastern areas of the MUC are concerned, which are mainly suburbs, they are the site of massage parlours and prostitution agencies of all kinds; the telephone numbers published in newspapers are often for these areas. This is also where prostitution is publicized by word of mouth (a particular suburban housewife offering her services, for example). While such activities are more prevalent in the western region, they do exist in all three sectors.

1.1.5 Variations in prostitution arising out of economic conditions

Prostitution in Montreal also has peak times and periods. Sexual services seem to be for sale there at any time, except between the hours of four and eight in the morning. Business peaks when the clients are most available, that is, when men (generally married men) can satisfy their sexual desires without arousing suspicion at home or at the office. Consequently, business is very poor on the weekends and on statutory holidays. Peak hours are lunch time (noon to 1 pm) and after work (4 to 6 pm). Business is brisk between 7 pm and 3 am, with a rush between 8 and 10. It is slower when there is a hockey or baseball game, and picks up on paydays and when welfare and unemployment cheques are received.

While heterosexual and homosexual prostitutes work at various times throughout the day, transvestites rarely appear before dark, and many work between midnight and 4 am. They prefer to operate this way because the darkness and the late hour mean that inebriated clients are more likely to mistake them for women.

On the other hand, some establishments impose set working hours. For example, massage parlours, saunas, and escort agencies

usually operate between noon and 8:30 pm, while clubs and bars are well-patronized after 8 pm. While street prostitutes can be found at almost any time, it is only after the clubs close that some dancers, both males and females, become available.

Clients have more choice among prostitutes in the spring and summer. The warm weather and the arrival of tourists bring out some prostitutes who refuse to work in the winter or who spend the cold season in Florida. The summer also brings out other women: unemployed students and black American prostitutes.

1.1.6 The significance of procurers and facilitators

It is even more difficult to obtain figures on procurers; again, the figures depend on the way the term is defined. Section 195(1) of the Criminal Code includes ten subsections identifying all the activities associated with procuring. These include living "wholly or in part on the avails of prostitution of another person", which presumes cohabitation. As far as this subsection is concerned, the police estimate that there are probably as many procurers as there are prostitutes. There are very few prostitutes who do not have a friend or "partner" who benefits, in whole or in part, from their gains. Most prostitutes "keep" a person who is not a blood relative. This is true of at least 90% of heterosexual female and homosexual male prostitutes, and of 80% of the transvestites.

On the other hand, if we consider strictly those individuals who encourage or somehow control one or more prostitutes, the estimated percentage of heterosexual female prostitutes with such procurers is about 30%, except in the case of agencies or massage parlours, where the phenomenon does not exist. The police are aware of only about 65 procurers, most often on the basis of testimony from female prostitutes. According to police, the women do not generally feel exploited, or else they accept the situation in exchange for affection they receive. Among transvestites and homosexual male prostitutes, the percentage drops to 20% and 10%, respectively.

Procurers generally control only one prostitute. Only ten percent of procurers control from two to five prostitutes.

As for facilitators, that is, individuals who -- for a fee -- refer clients to prostitutes or prostitution agencies, they are used by 60% of prostitutes, almost exclusively by heterosexual female operators. The percentage climbs to over 90% in the case of women working through agencies.

Facilitators are usually: taxi drivers; the managers, doormen and bar personnel of motels, hotels, and tourist rooms; restaurant employees; and apartment-building owners. Drug dealers may also be involved. Generally, a facilitator deals

with 6 or 7 prostitutes, and one prostitute usually works with 2 or 3 facilitators.

It was impossible to obtain more information on this subject, because it is difficult to know who actually receives payment for making referrals. Consequently, the police are rarely involved, except in the case of keepers of common bawdy-houses, or of procuring through agencies.

1.2 Description of prostitution in Quebec City

It was much more difficult to obtain a clear picture of the current prostitution situation in Quebec City. The police officers assigned to morality, of whom there are very few, have reduced their activity to a simple presence over the past few years. It is therefore difficult for them to assess the current situation accurately.

1.2.1 Known and estimated numbers of prostitutes

There are about one hundred known prostitutes in Quebec City. The police estimate that there are about 400 in all. However, it is impossible to determine the accuracy of this estimate. As we shall see, the current forms of prostitution seem to occur in the suburbs around the city. It is also possible that the police underestimate the phenomenon, owing to their reduced involvement.

1.2.2 Types of prostitution and their relative incidence

It is thought that homosexual prostitution among women is nonexistent in Quebec City. There was only one reported case of heterosexual prostitution by a man.

Even more than in Montreal, heterosexual prostitution by women predominates (64%). Homosexual male prostitution accounts for 32% of activity in Quebec City. There are few transvestites; there were only four among the 100 known prostitutes.

1.2.3 Forms of prostitution and their relative incidence

There are fewer forms of prostitution practised than those reported for Montreal, particularly if one considers only activities within the city limits.

There is almost no street solicitation. The most recent cases took place last year in a downtown mall (Mail Centre-Ville, also called Mail St-Roch), and they involved mainly juvenile homosexual prostitutes. As there are no erotic clubs or bars within the city limits, most prostitution takes place in the suburbs.

There are also very few massage parlours offering sexual services and their surveillance is usually of short duration. They account for about 2% of activities.

There are three main forms of prostitution in Quebec City; first, that practised in non-specialized clubs and bars (that is, not "erotic"), including those of the major hotels and some restaurants, which accounts for about 35% of prostitution; second, there are the various agencies (28%); and third, prostitution through classified advertising in specialized and other newspapers (25%). There is one interesting fact to note in the case of agencies and classified ads: while the sexual services offered are actually delivered in Quebec City, the head offices of the agencies are located in the suburbs where the Quebec City police cannot intervene. The telephone numbers listed in the classified ads are also suburban numbers.

The increase in homosexual male prostitution has encouraged the emergence of saunas. Although many more indecent acts take place than acts of prostitution, about 10% of all prostitution apparently occurs in such establishments.

1.2.4 Geographic location of prostitution

According to police, all the types and forms of prostitution practised are found in both the upper and the lower parts of the city. The differences are in terms of the class of prostitutes and of clients.

"High-class" prostitution (\$150 and up) is practised in certain bars of major hotels and in some of the large Upper Town restaurants, while less expensive services (\$75 and under) are available in Lower Town. This distinction applies to both heterosexual and homosexual operations.

The bars and restaurants where prostitution goes on have been the same ones for years, because the police presence has prevented new establishments from emerging.

1.2.5 Variations in prostitution arising out of economic conditions

In summer, prostitution assumes a different aspect. Homosexual operators increase in number, or at least become more visible, while the number of heterosexual prostitutes declines. The women have less work in the summer because their clients are on holiday and because the city is less populous than when the National Assembly is in session and government departments are in full operation. On the other hand, business is brisk during Carnival (in February) and during the province's Expo (August 15 to September 15), and the number of women working increases.

There is also a substantial increase in the number of women available when intensive and effective police raids occur in Montreal, Trois-Rivières, and Toronto.

The prostitutes generally work between noon and 3 am. Only the Lower Town prostitutes offer services between noon and 6 pm. The peak period everywhere is between 9 pm and 3 am, although the homosexuals tend to work fewer hours, only until about midnight.

1.2.6 The significance of procurers and facilitators

Information about procurers is very difficult to obtain; it is generally acquired through police raids, which have become quite rare in Quebec City. There are only four or five known procurers. According to police, this phenomenon exists only in Lower Town, where 70% of female prostitutes and 25% homosexual male operators deal with procurers. The trend is away from procurers: as prostitutes become aware of being exploited they begin to work alone, and using classified ads would be one route to independence.

As for facilitators, police estimate that their numbers are significant, but they would not speculate any further.

1.3 Description of prostitution in Sherbrooke

It proved difficult to paint a picture of prostitution in Sherbrooke. How does one describe a phenomenon which, according to all the respondents consulted, does not exist? There are a few cases, but they are very isolated. In this respect, the spontaneous reaction of a taxi driver -- to whom one of the researchers had explained the purpose of her trip -- is quite revealing: "In Sherbrooke? You came to Sherbrooke for that! going on here I would know about it. That's the kind of thing we like to be able to tell customers who ask. We (taxi drivers in Sherbrooke) have nothing to tell our customers, not even the American tourists who come up here full of ideas and who would pay well for that kind of information." This eloquent response served to confirm others obtained throughout the trip. It would appear that prostitution is not an unknown phenomenon in Sherbrooke simply because the police fail to look for it, or because the forms practised are particularly discreet, but because it really does not exist.

Several factors were pointed out to us to explain this situation.

a) It is felt that no one began a regular prostitution operation, and that no one would want to be the first to do so, in a small town where everyone knows everyone else's business.

b) Although the numbers cannot be documented, there is intense "rural" prostitution in the surrounding small towns and villages, where it takes place exclusively in clubs offering nude (female) dancers.

The dancers come from other areas and are generally sent by specialized agencies or recruited through "Noctambule", a catalogue of nude dancers for club owners. The women stay for short periods (one or two weeks), which ensures a high turnover. They usually have a room in the club and many will "work both floors"; they dance on the main floor and provide sexual services on another floor.

Since these establishments are usually hotels or motels, the clients can also take a room. This makes prostitution easier and more accessible, particularly since police surveillance in such areas is less intense than in Sherbrooke itself. Furthermore, this so-called "rural" prostitution assures the anonymity of clients.

c) The proximity of Montreal, where red-light districts are well known and can guarantee the anonymity of clients.

d) The existence of a marked demographic imbalance (many more women than men), intensified by active, gratuitous, very open, solicitation by women of all ages and types, which would tend to discourage prostitution.

e) The proximity of the American border leads police to concentrate their efforts on crimes which they consider more serious, such as drug trafficking. By eliminating criminal networks, the police hope to weaken the kind of environments likely to favour the emergence of prostitution.

Given that there is no prostitution to speak of in Sherbrooke, it is difficult to elaborate on it. At best, we can provide a brief overview. Prostitution by women is practised "occasionally" in the bars of hotels and motels. There are no massage parlours or agencies which could serve as covers for prostitution. There is no prostitution in the nude dancing clubs either. There are no classified ads for prostitution in the local newspaper, La Tribune. As for homosexual prostitution, it is practised mainly by juveniles.

1.4 Description of prostitution in Trois-Rivières

1.4.1 Incidence and location of prostitution

In Trois-Rivières the police know of fifteen prostitutes, three procurers, and one facilitator.

However, the phenomenon seems to be much more widespread, although it is difficult to estimate its actual scope. The municipal police force has not been actively involved in these kinds of cases since 1986. In spite of their presence in the city, the police officers still seem to have a sketchy picture of the situation. They could not provide us with any figures on prostitution and they stated that there was no street prostitution in the city, which the ERAM police officers disputed. On the other hand, the ERAM officers could provide no estimates on the numbers of people involved. They are located outside Trois-Rivières (at Cap-de-la-Madeleine) and, having recently focussed their efforts on outlying towns -- Victoriaville among them -- they are not really familiar with the situation in Trois-Rivières. They know only of prostitutes who have already been arrested, and the few observations they have made are not sufficient to make a reliable estimate. Only 5% of their time is devoted to controlling prostitution, throughout the whole territory. Still, the number of sectors where prostitution is practised clearly indicate that the phenomenon is much more widespread than arrests would suggest.

Prostitution in Trois-Rivières is especially significant in the port sector. Street prostitution exists only on rue Des Forges, near Du Fleuve. Four of the bars best known for prostitution are located in this sector.

However, these areas do not have a monopoly on prostitution in Trois-Rivières, especially when one considers the whole region (greater Trois-Rivières), including Shawinigan, Shawinigan-Sud, and Grand-Mère). There is prostitution in a great many licensed establishments -- most dancing clubs and the bars of some major hotels -- and they are not all located near the port, by any means.

1.4.2 Forms and types of prostitution and variations as a result of economic conditions

There are only three forms of prostitution practised in Trois-Rivières, located in non-specialized clubs and bars, erotic clubs and bars, and on the street. Street solicitation is most prevalent in the spring and summer, while prostitution in the nude dancing clubs prevails in the winter. This description is based on the activities of known prostitutes. Taking into account the whole phenomenon, known and unknown, one could assume that prostitution in bars and clubs predominates, since there are so many of these establishments.

There is no solicitation -- even covert -- in the local newspaper Le Nouvelliste. The dating agencies advertised are real dating agencies. The only case of organized prostitution was a massage parlour belonging to a province-wide chain. It was established in Cap-de-la-Madeleine and was closed down in 1982.

Informants from outside Trois-Rivières had advised us that a particular, very problematic form of prostitution was practised there. They claimed that large numbers of female operators were going aboard ships anchored in the port and that nothing could be done about this, since the port was under federal jurisdiction.

Local respondents said this was incorrect. The ERAM officers said it was a tall tale. According to them, an internal regulation of the shipping lines prohibits anyone from going aboard such ships.

As for the types of prostitution practised, there is heterosexual prostitution by women, homosexual male prostitution, and that practised by transvestites. However, our informants could not estimate the relative incidence of each.

Street prostitution and that practised in erotic clubs and bars is unusual here in that activities wind down early in the evening. This could be explained by the difficulty of maintaining anonymity in a small town. It would be more of a risk for a married client to go out at night to frequent establishments known for prostitution. Because of this problem, prostitution at night takes place in non-specialized clubs or bars where a client's presence would not necessarily reveal his intentions.

1.4.3 The significance of procurers and facilitators

The ratio between the number of known prostitutes and procurers would suggest that 20% of prostitutes have a procurer. According to police, the figures do not reflect the actual situation; in fact, most prostitutes work independently.

The forms of prostitution practised in Trois-Rivières do not appear to warrant the involvement of facilitators.

2. Perception of prostitution by social agencies

We asked police officers, crown attorneys, judges, and social workers for their observations about prostitution.

2.1 Motivations for prostitution

When asked whether prostitutes choose their occupation or are forced into it, our respondents were divided almost equally in their replies. However, when a particular form of prostitution was specified, there was some degree of unanimity.

In the case of heterosexual prostitution by women, our respondents felt that the women are forced into it. They saw the

women as coming from disadvantaged backgrounds and as being unprepared to earn a living. Coming from rural backgrounds, with little education or knowledge of the local employment market, they are unable to provide for themselves and, sometimes, for their children. The only jobs available are insufficiently paid. Furthermore, in many cases, serious emotional problems and sordid backgrounds -- marked by numerous psychological and family problems, including rape and incest -- predispose such women to a marginal existence and to prostitution. Their introduction to the trade might also be facilitated by meeting a person who claims to care for them. On the other hand some respondents felt that, once in the business, women choose to remain in it rather than to leave, in spite of changes in the situation which originally led them to prostitution. They become used to earning large sums of money quickly and easily, and to spending it just as quickly. Regular jobs, which demand more from them and pay less, would not be very appealing.

Transvestites and transsexuals are also seen as being forced into prostitution. They would be unable to find other employment because of their strange mannerisms (in the case of transsexuals); transsexuals also need funds to pay for their sex-change operations. Furthermore, prostitution would be a way of affirming and asserting their femininity; clients believe they are women and pay them as such.

It is felt that most homosexuals have a choice. They want money to satisfy frivolous "needs", mainly drugs. In some cases, sexual needs also play a role. Such individuals have often had homosexual relations before becoming prostitutes, and simply want to profit from the experience.

2.2 Prostitution as a business

Prostitution is clearly perceived to be a business: a service is offered for sale. However, most of our respondents referred to negative aspects of prostitution, as expressed in some of the statements we heard.

- As business people they are disreputable. Clients usually hide the fact that they frequent prostitutes and they often feel contempt for them, which isn't found in other kinds of business.
- Such people are a threat to the reputations and marriages of their clients.
- That kind of business attracts criminal activities.
- They degrade themselves by that kind of work. It isn't just their bodies and what they do with them that they are selling. Sex is transformed into a cold, calculated, depersonalized exchange.

- Few businesses are so influenced by the physical appearance of the vendor.
- Few businesses are so uncontrolled and so unstructured (work hours, bookkeeping, income and other taxes, and so on).

2.3 The general attitude toward prostitution

In general, our respondents felt that prostitution is still unacceptable. It is not considered as an essential service to protect society from rape, to preserve marriages (by permitting sexual relations without emotional commitment), or to attract sexual deviants, making them less likely to harm those around them. Our respondents felt that sexual aggression has increased in spite of a parallel increase in prostitution. Prostitutes are themselves victims of sexual assault. As for sexual deviants, there are few prostitutes who would agree to satisfy requests which are too unusual.

A fundamental reason why prostitution is considered unacceptable is the exploitation it involves. All our respondents referred to exploitation of the naïvete, kindness, and psychological vulnerability of prostitutes by procurers, facilitators, and all those who benefit from their generosity. Some respondents mentioned exploitation of prostitutes by their clients, who profit from their financial superiority to purchase services which degrade the person providing them. Finally, according to a slim majority of those questioned, there is exploitation of clients by prostitutes, who profit from the urgent needs of clients by charging very high prices for certain services.

Another reason why prostitution is seen as unacceptable is because of the problems it creates, including social costs. Prostitutes are often the first to suffer from their activities, for they destroy themselves physically. According to our respondents, most prostitutes regularly consume large quantities of drugs and alcohol. Although it is difficult to verify the incidence of sexually-transmitted diseases, one in two prostitutes is considered to be a carrier.

Prostitutes are also victims of violence. While the majority of our respondents felt that such violence is relatively infrequent for most prostitutes, they suggested that every prostitute is a victim at least once during his or her career. One in ten is likely to be a victim more frequently.

The most common forms of violence are blows and superficial injuries. Prostitutes are also victims of serious blows and injuries, and of sexual assault (including sodomy, sadism without consent, and rape). Prostitutes have also been murdered.

The main perpetrators of this violence are clients and procurers, in that order. Competition can also create problems leading to blows, mainly among prostitutes of the same type, but also among different types of prostitutes. However, these are isolated cases and are apparently caused mainly by transvestites.

Street prostitutes are the most likely to be victims of violence (90% to 95%), particularly those who practise fellatio in cars.

Procuring is one of the most serious problems related to prostitution. There would probably be less prostitution if prostitutes were not forced physically or encouraged psychologically to practise their trade, in order to meet procurers' demands. Procurers not only batter prostitutes but they also commit other crimes to which they have access through their involvement: while strolling about to monitor prostitutes, they come to know the habits of local residents and merchants and to pinpoint the areas where thefts could be committed. Once the thefts have been accomplished, they receive and sell the stolen property. Furthermore, they often sell drugs to prostitutes. They also prey on the clients of prostitutes by theft, intimidation, and assault, and they try to incite juveniles to become prostitutes.

On the other hand, procurers are no longer affiliated with organized crime the way they once were. At most there is only an indirect link -- through drugs -- between procurers and the underworld. Drug importers and distributors often count on procurers as retailers. Prostitution is no longer controlled by organized crime or by its immediate agents.

Prostitution also creates practical problems in the neighbourhoods where it is concentrated. Our respondents agreed that traffic is heavier in such areas. Most felt that crime in general would increase as a result. It was also pointed out that local pedestrians are often insulted by prostitutes, and that "honest" women are approached by clients who mistake them for streetwalkers.

Finally, the problems mentioned involve enormous costs, which must be absorbed by society as a whole.

The prostitutes who start out with the fewest resources -- those who are forced into the occupation -- are also the ones who work under the most difficult conditions. This aggravates their problems, and it is unlikely that they could start a new life as long as they remained in the same environment. And yet it is the only environment where they are accepted, so they tend to stay, even when illness forces them to curtail their activities. Such individuals become wasted social resources. While they prostitute themselves, and even after they have stopped, most collect social assistance, although they are not contributing to society. They also constitute a focus for a large criminal element which gives rise to numerous crimes and activities prejudicial to society as a whole (drugs, violence and so on).

Sexually-transmitted diseases may be another social problem caused in part by the activities of prostitutes. Prostitutes are also responsible for perpetrating a negative image of sexuality.

To these social costs -- some of which are difficult to measure in dollars and cents -- are added other costs incurred directly by the activities of prostitutes or by the consequences of their actions. In addition to social assistance, there are the costs of more frequent gynecological examinations, free medication for those receiving welfare payments, the treatment of their venereal diseases and those they transmit, legal aid costs, detoxication cures, and so on.

It was mainly because of the exploitation of prostitutes and the other social problems involved that our respondents found prostitution unacceptable. They did not subscribe to the stereotypes regarding negative social effects. The majority did not believe that prostitution is the major source of sexually-transmitted diseases, extra-marital relations, or declining morality.

2.4 The need for social control of prostitution

We wanted to determine the degree of conviction with which the police, crown attorneys, and judges exercise their control activities. To this end, we asked them if they would outlaw prostitution altogether, control it by maintaining it within acceptable limits, or allow it, without any controls. Of the 31 respondents, 25 stated -- for the good of society -- they would control prostitution. Five thought it should be outlawed altogether, and one thought it should be permitted.

3. Control of prostitution

3.1 Legislation and municipal by-laws

Prostitution is not illegal in Canada. Rather, it is controlled indirectly by legislation and by-laws governing related activities, which may be performed by prostitutes themselves, or by others involved.

3.1.1 Current legislation under the Criminal Code

The current Criminal Code does not prohibit prostitutes from prostituting themselves, that is, selling their sexual services. However, prostitutes commit an offence if they solicit a person in a public place for that purpose (Section 195.1), if they are

inmates of a common bawdy-house (Section 193-2a), or if they are found in such an establishment (Section 193-2b). Any prostitute who keeps a common bawdy-house (Section 193-1), or is the accomplice of a person who keeps such an establishment, is guilty of a criminal offence (under Section 21, which defines the parties to an offence).

It is not necessary to be a prostitute in order to be charged with keeping a common bawdy-house (193-1), or with knowingly permitting the use of a place for the purposes of a common bawdy-house (193-2c).

The Criminal Code also covers procuring. The ten subsections of Section 195-1 list a series of activities for which charges can be brought against those traditionally referred to as "pimps" (procurers), and facilitators. The proscribed activities include inveigling, enticing, aiding or forcing a person to prostitute him or herself, and living -- wholly or in part -- on the avails of prostitution of another person.

It is also illegal, under Section 194 of the Criminal Code, to transport a person or persons to a common bawdy-house.

The Criminal Code has virtually nothing to say about the activities of clients. They can be charged only with being found, without a lawful excuse, in a common bawdy-house (Section 193-2b).

There are other sections of the Criminal Code which do not deal specifically with activities related to prostitution but which, under particular circumstances, apply to the behaviour of a prostitute in the exercise of his or her duties, and/or to clients. A prostitute may, while seeking clients, be charged with disturbing the peace under Section 171 of the Code. A prostitute and his or her client who transact their business in public (in a parked car, for example) may also be charged with indecent acts (Section 169) or with acts of gross indecency (Section 157).

More than the relevant sections of the Code themselves, it is the way they are interpreted which permits or limits control of activities related to prostitution. Legal precedents determine to a large extent how the legislation can be applied and, from there, the scope of the relevant sections of the Criminal Code. The precedents indicate the ways in which the sections of the Code should be interpreted and provide guidelines on how the legislation should be enforced.

Since the 1978 Hutt case, (in which it was ruled that solicitation must be persistent or annoying and that a private car on a public street does not constitute a public place) numerous judgments from various provincial courts and the Supreme Court of Canada have oriented possible control of activities related to prostitution. Such judgments constitute firm guidelines and,

when they are handed down by the Supreme Court, they are binding on all lower court judges.

This is not the place to list all significant decisions and their implications. We would simply like to point out the existence of substantial differences between the wording of the Criminal Code and the way in which it may be applied. Application of the legislation, and examples of interpretations which limit legal control of prostitution-related activities, will be discussed in other sections of this report.

3.1.2 Municipal by-laws

Municipal regulations are even less direct as far as activities related to prostitution are concerned. Municipalities do not have the authority to regulate areas governed by the Criminal Code; if they did, they would risk having their by-laws contested and declared unconstitutional. Consequently, current municipal by-laws are not aimed specifically at activities related to prostitution; rather, they govern general activities, which could involve anyone, and they standardize such activities so that they may not be used as covers for prostitution.

For example, in some municipalities it was found -- during a particular period -- that massage parlours were being used as covers for prostitution. Municipal by-laws were then adopted to prohibit this situation, although none actually referred to prostitutes or to prostitution, or prohibited the operation of a massage parlour. They simply established regulations on the operation of such establishments, regulations so strict that only genuine massage establishments could afford to operate under the regulations and remain in business. The others then closed their doors or could very easily be closed down by the authorities. This example clearly illustrates how municipal by-laws can control activities related to prostitution without exceeding their jurisdiction and without referring to the activities explicitly. Wherever municipalities have chosen to adopt regulations to control activities related to prostitution, they claim to have done so solely in response to the shortcomings of the Criminal Code, which were making it difficult for cities to attain their basic objectives, namely to prevent crime and to maintain law and order in their regions.

However, municipalities would prefer not to have to regulate in such areas at all. The process is costly and relatively ineffective, because the extent to which cities can regulate and punish offences is limited.

3.1.2.1 Montreal

A recent slogan for Montreal refers to the city's sense of pride. According to the head of the municipal legal department, the slogan is a good indication of the attitude of municipal authorities over the last thirty years. The Mayor, Jean Drapeau, has been in office since the 1950s and he owes his first electoral victory to a widespread morality investigation which led to reform practices. Since then, the city council has shown great interest in the "appearance" of the city, in public order, and in good conduct.

There was a marked increase in prostitution on the streets of Montreal following the Hutt case. This activity created a public nuisance and was threatening the city's image. It was leading to disorder and made enforcement of legislation at other levels even more difficult. The police were uncomfortable about their inability to control the situation; the invitations of prostitutes were not sufficiently pressing to constitute harassment and it had become impossible to apply Section 195.1 of the Criminal Code. The police were demanding tools which would allow them to re-establish order.

This is why the Montreal municipal authorities adopted By-law 5464 (Appendix 8) in May 1980. Intended to prevent criminal activities associated with prostitution and to re-establish order in public places, the by-law prohibited anyone from being in a public place for the purposes of prostitution or from accosting a person for such purposes.

Several Canadian cities followed the example of the Montreal by-law, with variations in the wording. The municipal by-laws of all these cities have been contested before courts at various levels. The first case to come before the Supreme Court challenged the Calgary by-law. The judgment handed down in January 1983 declared that by-law unconstitutional.

The Supreme Court has not yet ruled on By-law 5464. Since the Calgary by-law was based on 5464 -- although it was not an exact copy -- the Montreal authorities stopped using 5464 in January 1983.

Like Montreal's By-law 5464, the Calgary by-law was contested because it was aimed at behaviour already governed by the Criminal Code (that is, solicitation, under Section 195.1). Montreal therefore decided to amend Section 3a of By-law 333 (appendixes 9 and 10) under By-law 6249. This prohibits anyone from being on a public street "for the purpose of offering, for a consideration, one's services or the services of others to any persons" without holding a permit to do so. There is no specific reference to solicitation for the purposes of prostitution or to prostitutes; a person selling pencils without a permit would be guilty of the same offence. The police have received very strict

directives to arrest any offender, regardless of the services or purposes involved. The authorities wanted to be sure that By-law 333-3a could not be contested on the grounds that it was intended to cover only solicitation for the purposes of prostitution.

Municipal By-law 333-3a was however contested in the Quebec Superior Court in Mario Clermont v The Queen. The plaintiff claimed that the by-law was ultra-vires because it was aimed at solicitation for the purpose of prostitution; he also argued that it was ridiculous to prohibit the sale without a permit of services for which no permit exists or could be issued. Mario Clermont's action was nonsuited by Landry, J in April 1984, and municipal By-law 333-3a is still in effect.

However, municipal By-law 333-2b (Appendix 10), which was used between January and October 1983, can no longer be used to control prostitution. It was found that prostitutes do not loiter; their presence has a purpose, that of seeking clients, and prostitution itself is not illegal.

There are other Montreal by-laws which help to control prostitution indirectly. Articles 2 (exercising the trade of masseur without a permit) and 10 (practising massage on persons of the opposite sex) of municipal by-laws 1573 and 3642 (appendixes 11 and 12) prohibit behaviour in massage parlours which could lead to prostitution. Article 813 of the Charter of the City of Montreal (Appendix 13) may also be useful in outlawing certain establishments which could offend good morals. If the heads of police districts can prove that an establishment is improperly run (that the use of drugs is tolerated or that it is regularly frequented by criminals), then the executive committee may suspend or revoke the permit or license of the establishment. This is one way to eliminate some common bawdy-houses. This article of the charter has never been contested. We should point out that it is rarely used, and certainly not overused. The authorities prefer to keep it in effect for extreme cases where there are no other options.

The City of Montreal has no other current by-laws intended to control prostitution indirectly, and none are planned.

Montreal's political and judicial authorities have not studied any control strategies to use if prostitution were legalized. The City is firmly against this option and, if the situation did arise, there is no question that the city's legal department would be instructed to examine ways of exempting Montreal from legalization. The city's image and the peace of mind of its citizens are too important to allow a prostitution trade to take root.

3.1.2.2 Quebec City

The situation in Quebec City is quite different from that in Montreal. Quebec City has a rather unusual charter which was first drawn up before confederation. Consequently, the city has powers under its by-laws which go far beyond those generally allowed. Some of the powers granted under the charter authorize regulation on matters normally governed by the Criminal Code.

Paragraph 35 of the Charter's Article 336 authorizes the city to pass by-laws aimed specifically at prohibiting common bawdy-houses (Appendix 14). The wording of municipal By-law 26, adopted in 1913 (Appendix 15), is strangely similar to the current Section 193-1 of the Criminal Code, which covers common bawdy-houses.

However, these legislative tools are never used because the Quebec City authorities have neither the desire nor the resources that Montreal has to adopt by-laws which could be contested before the courts. For the same reasons, Quebec City has not adopted any recent by-laws on activities related to prostitution. Consequently, in spite of police demands for more power to do their job (following the Hutt judgment), the city of Quebec is simply waiting for Criminal Code amendments. The legal department did support requests from the crown attorney of the Quebec City Municipal Court -- addressed to the Department of Justice's Criminal Law Amendments Section in February 1981 -- on ways to interpret Section 195.1 of the Criminal Code (appendixes 16 and 17), but that was the only action taken.

Following the reply received from the Department of Justice (Appendix 18), the Municipal Court crown attorney stated (in a letter which we were able to read but not to copy), that police officers should make arrests only in cases where they were absolutely sure that Section 195.1 applied, as interpreted in the Hutt case.

Quebec City does have municipal by-laws on massage establishments (by-laws 887 and 2402), found in appendixes 19 and 19a, which require proof of competency in order to obtain a license to exercise the masseur trade.

Some paragraphs of By-law 192, of December 15, 1865 (which concerns public law and order) can be used to control prostitution (Appendix 20), mainly paragraphs 7 and 34 which are, more or less, the respective equivalents of sections 169 (indecent acts) and 171 (disturbing the peace) of the Criminal Code, and paragraph 25, which parallels Section 195.1 (procuring). It is therefore only under very special circumstances that they can be used to control activities related to prostitution.

There are no by-laws planned in this area and there has been no discussion of action to take if prostitution were legalized. It

is felt, however, that public reaction against legalization would be a serious problem.

3.1.2.3 Sherbrooke

There are no municipal by-laws in Sherbrooke which cover activities related to prostitution, either directly or indirectly.

To the great relief of the Sherbrooke authorities, prostitution is not a problem in that city. There have been no requests, either from the police or the public, to institute relevant by-laws.

On the other hand, Sherbrooke has a long history of contesting municipal by-laws, so by-laws are adopted only when necessary.

Last year a massage parlour opened in Sherbrooke. The local authorities were concerned that they would have to face the problems other cities had faced with such establishments, and they prepared a by-law on massage parlours. The business was closed down shortly before adoption of the by-law, which was then shelved and never finalized.

If prostitution were to become a problem in Sherbrooke before the Criminal Code was amended, the municipal authorities would certainly have to consider establishing by-laws. Regulations would also have to be considered with an eye to the legalization of prostitution. However, legal or not, it is unlikely that prostitution would be accepted or tolerated by residents who still register frequent complaints about posters advertising erotic clubs, which they consider pornographic.

3.1.2.4 Trois-Rivières

During the 1960s Trois-Rivières had serious problems with firmly-rooted prostitution rings. A large-scale clean-up, which began in the late sixties and was completed in the early seventies, was accomplished through enforcement of sections of the Criminal Code which were different at that time.

The only municipal legislation to control the phenomenon was the adoption of By-law 447, intended to ensure order and public hygiene in the operation of massage establishments (Appendix 21). This by-law, which is very similar to that of Montreal, was adopted in December 1970. It is rarely used nowadays, since there are no longer any massage parlours in the city.

Since the clean-up, there have been very few citizens' complaints about prostitution. The municipal police have not asked for by-laws on related activities which might be a particular

nuisance. However it should be pointed out that, since the Hutt case, the municipal police no longer handle morality cases. It would therefore be difficult for them to ask for more effective tools for a task which they no longer perform. Consequently, the city has had no encouragement to adopt by-laws regarding prostitution.

The most recent major problem encountered in Trois-Rivières dates back to 1979-80. A police officer had acquired property in a residential neighbourhood. He transformed the building into a rendez-vous establishment for homosexual men. It was closed down and the police officer was charged with having converted a residential building into a commercial building, which contravened a municipal zoning by-law. The authorities in Trois-Rivières are therefore satisfied that, whatever may happen, the current legislative measures will be adequate to control prostitution. They do not feel any need to pass by-laws and will handle the question of legalized prostitution if and when the situation arises.

3.2 Formal application of legislation by police

3.2.1 Justification for intervention

As a general rule, morality officers feel their mandate is not clear. The ways in which the relevant sections of the Criminal Code are interpreted mean that they can no longer intervene as effectively or in as many situations as before. The police even question whether those in power would prefer to see then turn a blind eye to prostitution. They feel that the general public takes no interest whatsoever in the matter unless they are directly affected, as in neighbourhoods where prostitution becomes a problem. The small number and the nature of complaints received confirm this impression.

In Sherbrooke, no complaints have been lodged about activities related to prostitution. The police concede that they would intervene if they did receive complaints.

Complaints are rare in Trois-Rivières. Last year there was only one filed with the municipal police, and it proved unfounded; one other was filed with the ERAM. That complaint came from a store owner who claimed his customers were being bothered by the behaviour and insults of street prostitutes in front of his store. The ERAM moved in immediately and this led to the only prostitution case heard in Trois-Rivières in 1983. Since then prostitutes again frequent the street in question, but the store owner has closed his business and the police have not had any complaints. Now the police intervene only on the basis of complaints, or if prostitution becomes too visible.

There are also very few complaints in Quebec City and most are anonymous. They are mainly from clients who have been robbed and who certainly do not wish to testify in court. There are also a few citizens' complaints when the situation gets out of hand. Last year, for example, citizens' complained about the aggressive and insulting attitude of prostitutes seeking clients. Other people had been forced to give up using public washrooms. This encouraged the police to take action. As in Trois-Rivières, police involvement is usually based on complaints.

The situation is quite different in Montreal. Several complaints are made, but most are anonymous ("I know that my husband frequents prostitutes and he goes to such and such an address"). The information received is checked and it often leads to more thorough investigations. Formal complaints are made, but it is not known how many. Their sources and their targets vary.

As soon as prostitution begins in a neighbourhood, the residents complain about heavy traffic and noise. They also complain that their property is violated by prostitutes, who they feel set bad examples to their children. They fear that crime will increase and that the value of their homes will decrease. Finally, women complain that they hesitate to go out because the prostitutes insult them and the clients accost them, taking them for prostitutes.

The owners of rental property complain about prostitutes, sometimes long after discovering their activities. They lodge complaints when they want to evict prostitute-tenants and have no other motive for doing so. A court conviction confirming that a common bawdy-house was being kept at the address in question allows them to appeal to the tenancy commission on the grounds that the rental premises are being used for purposes other than as a residence, as a motive for eviction.

Store owners complain that street prostitutes block access to their stores and discourage customers from coming in. They also complain that their business image and the image of the neighbourhood are sullied.

Some complaints concern procurers. Parents in neighbourhoods where prostitution is practised complain that procurers try to seduce their underage children and to lead them into prostitution. Prostitutes who are tired of being beaten and exploited eventually decide to lay charges against their procurers.

Prostitutes also lodge complaints against clients who have mistreated or even raped them. They may also complain that colleagues have assaulted or robbed their clients (which is bad for business). They may turn in juvenile prostitutes for stealing their clients or for attracting public outcry about prostitution; the public seems much more concerned about the issue since juveniles have become involved.

Unlike the other cities, complaints in Montreal are not the main source of police involvement. Public complaints affect a squad's priorities for action, but the Montreal squads act even without complaints; they tend to be self-motivating.

Although the police are understaffed, there is a relatively high number of officers, and the morality officers (particularly those at headquarters) are specialists, so they are familiar with the current situation. Experience has shown them that prostitution leads to an increase in crime and that it is a threat to public order. They have experimented in this area recently, during the transition period between the Supreme Court decision on the Calgary by-law and the adoption of By-law 333-3a.

3.2.2 Targets for intervention

In Sherbrooke, Quebec City, and Trois-Rivières, the rare cases where the police intervene are based on complaints. The priority targets are the subjects of complaints, that is, the activities which are most visible and which offend the most people. It would be difficult for these cities to set intervention priorities for prostitution, since they are not very involved in the area to begin with. In Trois-Rivières drugs are the priority area and prostitution cases account for less than 5% of ERAM activities. In Quebec City the two police officers assigned to morality handle prostitution cases only when their objectives have been attained in the areas of rape, incest, child abuse, and indecent acts.

The reasoning of police officers in these three cities is as follows:

- Section 195.1 of the Criminal Code cannot be enforced since the Hutt case
- there are no municipal by-laws to serve as equivalents to Section 195.1
- if prostitutes cannot be arrested it is impossible -- especially in the light of staff cutbacks -- to arrest procurers, keepers of common bawdy-houses, and facilitators, who are the real people to arrest for effective, long-term control
- since the public is not interested in prostitution and demands our action in other areas, and since our job is to serve the public, why waste time on prostitution cases?

In Montreal, prostitution is the main concern of some members of specialized squads. The ordering of priorities in prostitution cases is based on the seriousness of offences, the degree of public nuisance, and the real prospects for intervention.

The primary goal is to eliminate juveniles from the occupation. As far as adult prostitution is concerned, the main targets are procurers and facilitators, then common bawdy-houses, and finally street prostitution. It is only once a goal for one priority has been attained that others can be set, unless other factors come into play.

As for forms and types of prostitution, it has often been said that the police are harder on street prostitutes, that they arrest mainly women, and that they harass homosexuals. The "statistics" seem to confirm this, but our respondents felt this was not a reflection of police intentions.

If female operators are arrested more often than males, it is because there are more female operators, by far. As for homosexual male prostitutes, they are often juveniles and so they cannot be treated as adults.

Furthermore, if there is a general impression that the police are harder on homosexual than heterosexual prostitutes, it is because the former group is more vocal in protesting even one arrest, according to our respondents. Like many minority groups, homosexuals tend to claim that they were arrested solely because they are different, regardless of the nature of the charges or the strength of the evidence. A raid on a homosexual common bawdy-house always leads to public demonstrations protesting discrimination on the basis of sexual orientation, even if the charges laid are more numerous and more serious than those laid in other cases.

It is true that most arrests involve street prostitutes. The police say there are three reasons for this.

First, owing to Montreal municipal By-law 333-3a, street prostitution is the only form of prostitution where effective, widespread action can be taken, given staff shortages. The other forms of prostitution call for lengthy, laborious investigations and many cases must be dropped for lack of time or because the operations are so sophisticated that the police cannot intervene.

Second, street prostitution is the variety which constitutes the greatest public nuisance. Citizens' complaints are the only clear mandate police have to intervene, under the present circumstances.

Third, street prostitutes are more often those who are forced into the occupation. Their working conditions are sordid (they are victims of violence and other abuse) and they suffer further and more serious physical, psychological and social repercussions than do individuals practising other forms of prostitution. There are more juveniles among street prostitutes than among any other group. Procurers are also more involved here than with other types of prostitutes. Street prostitution is also the

variety which attracts the most criminal activity. For the good of prostitutes, and to reduce the social costs of prostitution as much as possible, it is more important to discourage street prostitutes than those who practise other forms of prostitution.

The police are also blamed for not taking action against clients. This is true, and yet they have no choice in this matter; the current legislation and by-laws do not provide for action against clients unless they are found in a common bawdy-house during a raid. There are few files on common bawdy-houses because of shortages in police personnel and because of the time it takes to gather evidence. Each case leads to only one raid and can involve only those clients present when the raid takes place.

Other clients (who were not in the house at the time of the raid but who have been identified prior to the raid) are contacted as witnesses. To protect the reputations of these clients, the police have the subpoenas (to appear as witnesses) or summonses to appear (under Section 193-2b of the Code) sent other than to their homes. This is not official policy, but every police officer interviewed uses this method, for humanitarian reasons.

3.2.3 Intervention operations

Intervention varies on the basis of the target groups. In the case of street solicitation, efforts may be made to apply Section 195.1 of the Criminal Code. In Montreal, the police tend to use municipal By-law 333-3a instead. In both cases, prostitutes are observed to see whether they address passers-by and motorists. The number of people they approach and with whom they speak briefly is noted. It is also important to note the number of individuals with whom they leave the area, the time which elapses before they return, and the time between their return and the next departure.

The prostitute and the client may be arrested (before or after the contract has been executed) or the identity of the prostitute may simply be verified and that of the client derived from license plates.

The basic differences between Section 195.1 and Montreal By-law 333-3a are as follows:

- 1) in the case of Section 195.1, the prostitute may be very insistent (several invitations to the same client);
- 2) Section 195.1 governs all solicitation in public places, while By-law 333-3a refers only to public streets;

- 3) when a prostitute is arrested, he or she may be incarcerated under Section 195.1 until the court appearance (generally the following day), whereas for offences under municipal By-law 333-3a prostitutes are released as soon as they have made a statement.

In both cases, the client is summoned only as a witness and may never have to testify if the prostitute pleads guilty.

In both cases a prostitute may be arrested once an agreement has been reached with a plainclothes officer. An officer who has been harassed by a prostitute (Section 195.1) or invited, on a public street, to purchase sexual services (By-law 333-3a) then becomes a witness to the offence.

It is also possible to follow street prostitutes to identify the premises where they provide sexual services. An attempt is made to prove that such premises are common bawdy-houses. The prostitute may then be charged with keeping a common bawdy-house (under Section 193-1 of the Criminal Code), with complicity (under Section 21), or with being found there at the time of a raid (Section 193-2b). This is also the sole option for police to combat prostitution in clubs and bars, unless Section 195.1 (harassing clients) would apply.

In the case of massage parlours, the police have a choice of proving contravention of one of the provisions of the municipal by-laws in effect (By-law 1573) or of proving that such establishments are common bawdy-houses. Where possible, the second option is used; it is a more serious offence leading to harsher and more dissuasive penalties. As for saunas, efforts are made to prove that they constitute common bawdy-houses.

In order for a place to be considered a common bawdy-house, there must be evidence of constant comings and goings (the number of people who arrive and depart and the duration of their visits) and proof that these comings and goings are frequent (several prostitutes and clients daily and the same prostitute on many occasions during the whole observation period, with a three-day minimum), and that sexual services are offered there for remuneration.

Such evidence is gathered mainly by observation (notes on arrivals and departures) and/or by "tailing" suspects. Generally, photographs are taken of the prostitutes and, particularly, of the clients who come and go. Clients' licence plates make it possible to obtain their names and addresses. Once the raid has been conducted, the clients are contacted as witnesses; their photographs, taken in front of the common bawdy-house, encourage the most reluctant clients to admit having had sexual relations with a particular person, for a particular fee, on the date and at the time in question.

Sometimes the clients may be driving service vehicles or company cars. Since the same vehicles might be used by several people, and since the client cannot be identified from the licence plates, a more direct form of identification is required. If the raid is planned within a short period and if there is no risk of the police presence being divulged, the client is intercepted coming out of the common bawdy-house. Otherwise, the client's vehicle is identified to highway-patrol officers in marked cars who intercept it on the grounds of a possible traffic violation which permits them to obtain the driver's identity.

Additional evidence about how establishments are run and about the identity of the main keepers is obtained through infiltration. One or more police-officer couples (male and female officers) are assigned as a client and prostitute to obtain inside information. In general, a contract with a police officer is sufficient evidence. An officer acts as a client with an actual prostitute. He hands over marked bills in payment for her services. Once the money has been handed over, and before the sexual relation takes place, his colleagues -- stationed outside -- carry out the raid as planned.

All prostitutes and all clients found in a common bawdy-house at the time of a raid are charged with being found in a common bawdy-house (193-2b). Furthermore, prostitutes who frequented the house at least three times during the observation period can be charged with keeping a common bawdy-house (complicity).

The same type of action must be taken against prostitutes who advertise in newspapers. As these prostitutes often work independently from their homes, the only intervention possible is to prove that the establishment is a common bawdy-house (classified ads do not constitute soliciting or an offer of services on a public street). The operation is usually quicker in such cases; the observation period is shorter and, often, a single agreement with a police officer leads to immediate confessions. The file is completed with taped telephone conversations between the police-officer/client and the prostitute, establishing meeting places and fixed prices for various services.

Obtaining evidence on dating, escort, hostess, and modelling agencies, and photo studios or networks of "call-girls" or "call-boys", is much more complicated. Unless electronic bugging is used, telephone calls are not very revealing because the operators of such businesses are often very experienced and very careful about what they say over the telephone. Clients must come to the agency where, generally, no prostitution takes place. The staff there act as facilitators for prostitutes who are "members" of the agency. The client is put in contact with the prostitute by telephone or by bell-boy, and a meeting place is arranged, but always at a different location.

Unless there is actually prostitution at the agency, or unless one or more prostitutes regularly provide their services at the same location, it is impossible to establish evidence of a common bawdy-house against the prostitutes. Efforts are mainly made to arrest the facilitator people for procuring. Electronic bugging generally makes it possible to prove that the agency staff have some degree of control over what is going on. What is difficult to prove is that these facilitators receive a share of the proceeds.

There is one other type of police intervention worth mentioning. It usually applies to street prostitutes and it involves trapping procurers.

This is a difficult form of evidence to acquire and it is very time-consuming. Since most procurers control only one prostitute, with whom they live, the first stage consists in showing that there is cohabitation (Section 195-2 of the Criminal Code). This is proved through observation, electronic bugging, or a police search. The prostitute's home is searched for clothes belonging to the procurer and for documents or bills addressed to him at that location. Efforts are also made to prove that the procurer's lack of income (or very low income) would not permit him the standard of living he enjoys (luxury car, for example) without his using the prostitute's earnings. This puts the onus on the procurer to prove that he does not live, wholly or in part, on the avails of prostitution (195-1j).

It is more difficult to gather evidence when the procurer does not live with the prostitute(s) he controls. In this case, the presumption of cohabitation is based on his frequenting prostitutes and on the procurer's lifestyle.

It is essential to arrest prostitutes first before dealing with procurers, for the following reasons:

- it is important to know which prostitutes to observe, in order to monitor the frequent exchanges they have with other individuals who are not clients or other prostitutes
- presumption applies to frequenting or living with prostitutes, so it is necessary to determine the identity of the prostitutes
- finally, investigation of a procurer often begins following the revelations -- intended or otherwise -- of a prostitute (made as part of a statement, at the time of arrest)

In this respect, a statement may -- over time -- serve to heighten a prostitute's awareness of the extent of his or her exploitation.

In most cases, the testimony of prostitutes in court is essential to establish that the procurer manages and controls the prostitute (as covered in subsections a to i of Section 195.1). Procurers are usually sufficiently well-informed to keep just far enough away from the areas where prostitutes work, and to exercise their control and make collections very discreetly or through go-betweens. Even long observation periods can be fruitless (no visible exchange of money, for example) and the collaboration of prostitutes then becomes the only recourse.

3.2.4 Difficulty of applying legislation

There are many difficulties inherent in applying the legislation. There are two main issues: first, difficulties related to the legislation and legal precedents; and second, problems related to the experience and sophistication of prostitutes and those with whom they work.

Section 195.1 of the Criminal Code, as interpreted in the Hutt case, cannot be enforced. According to police, it is unrealistic to suppose that prostitutes are generally persistent (or that they must necessarily be persistent). However, prostitution may still constitute a nuisance to citizens and public order may still be threatened. Traffic jams, noise, and the testimony of the residents who live in neighbourhoods where prostitution is practised are clear examples of this.

Furthermore, it is often the clients and not the prostitutes who do the soliciting. The current legislation has nothing to say about situations where the soliciting is done by someone other than the prostitute.

The police find it ridiculous that cars are not considered public places, when it is well known that many agreements to purchase sexual services are concluded in cars (hence the traffic jams), and that many such services are actually provided in cars (acts of fellatio in parking lots, for example).

Some judges seem to have been shaken by the Hutt case. They consider that harassment by a prostitute must be very persistent. The following anecdote clearly illustrates this situation.

A plainclothes police officer was seated in a club featuring female dancers. He was playing the role of a rich customer, displaying a large wad of bills. A dancer approached him and asked if she could "dance" for him, specifying that there were four different types of "dance" she could do. At his request she explained that for ten dollars she would dance on his chair, for twenty she would allow him to fondle her while she danced on his knees, for forty dollars she would perform fellatio under the tablecloth, and for fifty she would agree to sexual relations in the washroom. The police officer replied that he

would think about her proposals. During the next few minutes the dancer approached him twice more, encouraging him to decide quickly. The judge who heard the case found that there was no harassment and that, consequently, no solicitation had taken place according to Section 195.1,

As a general rule, Section 195.1 is so difficult to enforce that it seriously limits control efforts, even when other sections of the Code are applied, because the other sections usually imply arresting the prostitute.

In the case of municipal By-law 333-3a (Montreal), prostitutes have become sufficiently experienced that they can now simply sit in a prospective client's car and say "I'm not offering anything". It is then up to the client to do all the "dealing", by specifying what he wants and what he is willing to pay. So how does one prove that sexual services are being offered?

As far as common bawdy-houses are concerned, prostitutes have developed strategies which prevent police from gathering evidence (which is a long and laborious process in any case).

The frequency of comings and goings must be established for the same rental unit. Consequently, prostitutes arrange to change locations regularly: they change hotel rooms, change apartments in a building, and so on. They can no longer be charged with keeping a common bawdy-house when they are using different rooms, which are rented by the client. Some owners or managers of common bawdy-houses will go as far as refusing to rent a prostitute a room more than once daily; this way they can claim they did not know the person was a prostitute, that they believed he or she was a regular, but ordinary, customer.

Prostitutes also prevent police from proving the frequency of comings and goings by establishing their businesses in buildings where there is already high traffic. They may rent space for a massage parlour in a medical centre, or offices for a dating agency in a shopping mall. In order to prove the frequency of comings and goings in the premises serving as a common bawdy-house, the police have to set up an observation post inside the building. This is impractical because the keepers of the common bawdy-house -- having made friends with the other tenants or having been very generous with the building managers -- would be immediately advised of police presence and would close down their operation. This is an especially popular strategy in small suburban areas (for example, west of the Montreal Urban Community) where there are no municipal by-laws on massage parlours.

These examples show how difficult it is to control prostitution, because the Criminal Code does not take into account the ways some businesses operate, and because the lack of uniformity of municipal by-laws prevents police from intervening. As a result,

there are certain regions in which activities related to prostitution are likely to spring up, particularly municipalities where there are no by-laws and where police forces are too small or not sufficiently specialized. This situation also complicates the job of police officers who must conduct selective operations within the areas to which they are assigned, or who see criminals escape simply by crossing a "border".

It is becoming increasingly difficult to use police contracts to confirm that a location is being used as a common bawdy-house, to identify those involved, and to prove that sexual services are being sold. Sometimes particular information or aspects of evidence are missing. Prostitutes protect themselves from police contracts by searching their clients. Others offer their clients drugs, knowing full well that a police officer could not accept without jeopardizing his credibility and his evidence, when the case was heard. Other prostitutes refuse to accept payment until the contract has been executed; police intervention must stop with the exchange of money, that is, prior to the sexual act.

These are the main problems inherent in applying the legislation. There are others, but they are too marginal and too numerous to list here. However, one other operation is worth mentioning; it involves facilitators in Quebec City. Certain bars and restaurants in the capital are frequented solely by prostitutes and their clients. The bartenders and managers of such establishments have devised an original way of concealing the profits they receive from the prostitution trade, and their share of profits is actually the only incriminating evidence, since sexual services are not provided on the premises. The method used is as follows: a client offers a prostitute a drink and pays the bartender the price of a hard drink, although the prostitute receives only a soft drink or water. The difference in price constitutes a commission, but this is impossible to prove without involving the clients, who are not likely to give evidence.

3.3 Indirect application of legislation by police

Over time, the police have developed special strategies to combat the shortcomings in legislation and the tactics of prostitutes. These strategies have not solved all the problems, but they permit more effective intervention.

3.3.1 Prostitutes

The only widely used strategy is the use of informers, regular clients of prostitutes who, in exchange for payment of their visit, agree to collaborate with police. They are usually assigned observation duties in common bawdy-houses. During one visit they may obtain essential evidence which would take police several days to acquire, if they could obtain it at all.

Informers are not subject to the same restrictions as police (for example, not having sexual relations). A number of informers are available in each city and they are rarely "burned", that is, they are generally not required to testify in court.

Quebec is the only city where informal control of prostitution is so elaborate and effective that it is used much more than official control methods.

Given the forms of prostitution practised in Quebec City (particularly in bars and restaurants), the high visibility of police officers assigned to liquor licensing regulations suggests that prostitution is monitored very closely. The police do not deny this rumour and continue to make regular visits to licensed establishments. Consequently, clients are less likely to frequent these places, especially when they are known to be covers for prostitution. The operators of such establishments exercise discretion in their activities, to keep the police from even closer surveillance, as this would scare off customers.

There is a persistent rumour in Quebec City that it is illegal to operate a nude dancing club within the city limits. This is incorrect, although municipal By-law 192-7 is currently used (Appendix 20) to outlaw "indecent" shows in establishments not licensed for such activities. Anyone who dares to consider opening a dancing club is dissuaded in the following way: when the prospective owners come to the police to obtain a permit, the police indicate that, as far as they are concerned, such establishments attract all kinds of criminals and may be an ideal setting for activities related to prostitution. They indicate that the owners can count on very regular police visits to the establishment and on a constant police presence outside the premises. Since such methods generally scare off clients, the "investors" are discouraged from starting a business which is destined to fail, and they generally move outside the city limits. However, everyone is aware of the precariousness of this situation; it would take only one brave soul to prove that the method could not work.

3.3.2 Clients

Most clients are married men with children. One of the reasons they visit prostitutes is for anonymous sexual relations. In spite of police "courtesy" (of which they are usually unaware), they are afraid to being caught and found out.

In the cases heard under municipal By-law 333-3a (Montreal) and Section 195.1 (which are very few), clients are increasingly being retained as witnesses. Those who refuse to co-operate may have the unpleasant surprise of being charged themselves (an offence was committed, but it is unknown who was the accused

and who was the witness) and/or of receiving their summons at home. In both cases, efforts are made to discourage them from using the services of prostitutes again.

The police are delighted that they can count on press coverage when they conduct a large-scale raid on a common bawdy-house (Appendix 22). They take the opportunity to indicate that clients were identified during the entire observation period and that they will be contacted as witnesses. This often discourages prospective clients from frequenting prostitutes.

Finally, some police officers try to dissuade clients from seeking out prostitutes. For example, when they suspect a motorist, they approach him and ask for his papers. They ask if he is married, they perform the normal checks on license plates, and they tell the client they know what he is up to, suggesting that he would be wise not to return to the neighbourhood.

3.3.3 Keepers of common bawdy-houses

The police also want to ensure that keepers of common bawdy-houses do not re-open such establishments. Consequently, they often arrive accompanied by income tax, public health, and fire officials, when they conduct raids. A keeper who sees that his illicit profits will be taxed and that he will have to invest thousands of dollars to meet health and safety (fire) regulations generally closes his business and sells the premises.

3.4 Unforeseeable consequences of enforcing legislation

It sometimes happens that effective police intervention not only attains the goals set, but also has some unexpected consequences.

First, it is possible to eliminate one form of prostitution in a given area, only to see it spring up immediately somewhere else. This is what happened in Montreal when police operations were stepped up in the "Main" sector. The prostitutes simply moved over a few streets and large numbers of them began to work in the Carré St-Louis area, a residential neighbourhood where the residents were not prepared to receive them. Recently, as a result of pressure from these residents, the authorities changed the one-way street system to make access to the area more difficult. They also raided a common-bawdy house in the area and began watching prostitutes and their clients more closely. As a result, several women apparently went back to working "the Main".

Police activities also drive some forms of prostitution to other municipalities, where such effective control is not possible (absence of by-laws on massage parlours, too few or unspecialized police officers, and so on).

Second, where legislation or by-laws and police expertise make it possible to eradicate or to control one form of prostitution, other forms spring up. It then takes time to detect the new operations and to assess what legal tools and enforcement strategies can be applied. For example, following raids on networks of massage parlours, a new crop of dating agencies and classified ads publicizing prostitution services sprang up.

Finally, following numerous arrests, prostitutes and keepers come to know what offences they can be charged with, what evidence is required, and what strategies and techniques the police use. They become cautious and refine their operations to a point where it becomes almost impossible to charge them (offering drugs to the client, setting up business in a shopping mall, and so on).

3.5 Legislation and crown attorneys, defence lawyers, and judges

Crown attorneys and judges can exercise direct control only over prostitutes who have been arrested. They try to dissuade those found guilty from returning to the activities for which they were charged. Their action may permit indirect control, by discouraging those who escape the police.

Crown attorneys ensure that the case prepared by police is complete, that is, they gather all the evidence required under the law, by-laws, or legal precedents. It is only once they possess such evidence that crown attorneys can either present a case to the judges and hope for a guilty verdict, or encourage the accused to plead guilty.

Crown attorneys must sometimes refuse to proceed when they feel there is insufficient evidence or when evidence was acquired improperly. However, this almost never happens when the police are active and specialized in the field (less than 1% of cases were refused in Montreal over the last few years). Conversely, the low degree of involvement and the lack of specialization of police will often increase the incidence of improper tactics and, from there, the proportion of cases which cannot proceed. Two common bawdy-house cases were refused by the crown attorney in one of the cities studied, because inexperienced police officers believed that the police contract required that sexual relations with the prostitute take place.

Defence lawyers tend to have a reverse effect on control of activities related to prostitution. Their goal is to have the charge dismissed by the judge or withdrawn by the crown attorneys and police, or to have the accused acquitted. Where an accused is found guilty, they try to effect as light a sentence as possible. The nature of their role is such that they attenuate the dissuasive aspects of social control. Our respondents found it very ironic that the public pays for the defence of those charged, and that such individuals are almost all entitled to legal aid, since they do not declare their income from prostitution. Consequently, society pays both to control and to defend prostitution.

While some defence lawyers simply explain to their clients the legal consequences of their actions, others interpret the legislation, by-laws, and legal precedents directly, pointing out all the ways to avoid being charged or to ensure that the evidence acquired will be insufficient, and therefore easy to contest. Others go out of their way to refer, as often as possible, to cases where there was sufficient evidence. This means they can claim higher fees (since they are paid on the basis of the number of recesses), and it is also a way of delaying the proceedings. In this type of case, time often works on the side of the accused; witnesses may die, disappear, move away, be transferred elsewhere or retire (in the case of police officers), or may simply forget. Such factors can force the crown to abandon the proceedings or to withdraw a more serious charge in favour of a guilty plea to a lesser charge. This technique can be particularly effective in procuring cases, where the prostitute's evidence is often seen by judges as essential. If the proceedings are too lengthy, there is a risk that the prostitute will change his or her mind and disappear or refuse to testify. The procurer or his friends then have time to frighten the prostitute, or the procurer may succeed in convincing the prostitute of his undying love and his sincere desire to repent.

Judges must assess the weight of the evidence brought against the accused, and try to determine whether gaps pointed out by the defence are significant and justify an acquittal or discharge. An example of this situation, in a common bawdy-house case, appears in the decision of April 27, 1984 in Sandke v The Queen (Appendix 23).

Judges participate directly in social control by discouraging recidivism through the sentences they hand down. Their influence is more in the area of law enforcement than control of activities related to prostitution. Acquittals are often based on errors by police in enforcing the legislation, technicalities (wrong date on a search warrant, for example), omissions or weaknesses in evidence, and so on. Furthermore, by bowing to defence arguments on points of law, some judges create precedents which call judicial control into question.

3.5.1 Legal argumentation

Crown attorneys, defence lawyers, and judges are all bound -- more or less -- by the same argumentation. The legislation, by-laws and legal precedents determine a series of elements which must be proved in the proceedings. The defence attempts to negate the value of such evidence; the judge reviews each point and assesses the argumentation presented by each party before pronouncing his verdict.

There is little of interest in the argumentation developed in Quebec City, Trois-Rivières and Sherbrooke; the few recent cases have never gone to trial (guilty pleas or charges withdrawn). Our study will be based essentially on cases heard in Montreal. However, the argumentation developed there should be similar to that presented elsewhere (where action was taken), to the extent that the elements in question are the same everywhere in Canada under the Criminal Code, or are very similar as far as municipal by-laws are concerned.

Argumentation developed by defence lawyers in cases involving municipal by-laws 5469 and 333 (2b and 3a) is similar to that used for Section 195.1 of the Criminal Code to this extent: the facts of such cases are rarely -- if ever -- contested and pleas are registered accordingly.

As far as Section 195.1 is concerned, defence lawyers contest neither that the accused was a prostitute, nor that he or she accosted people in a public place for the purpose of prostitution. Argumentation is based on the way the terms "solicitation" and "public place" are interpreted. The crown is therefore left with charges which -- while not in dispute -- are still useless, in practical terms. The crown must persuade the judge not of the substance of the charges or of the accused's purpose in committing the offence, but that the intent of legislators was not to consider "solicitation" strictly as a persistent invitation or to exclude automobiles from the list of public places.

The defence argument that a prostitute could not be loitering (under By-law 333-2b) because -- far from being purposeless in his or her travels -- the prostitute is seeking clients, is not based on the facts of the case either. Legal precedents have upheld this claim.

Municipal by-laws 5464 and 333-3a also lead to arguments on points of law. By-law 333-3a has been contested on the grounds that it is illogical to prohibit an offer of services without a license when no agency is empowered to issue such a license. It was also pointed out that this by-law, like By-law 5464, goes beyond the jurisdiction of a municipality in that it attempts to control acts already governed by the Criminal Code. While there is still debate on the matter, because the Supreme

Court has yet to rule on these by-laws, there is little hope for By-law 5464, since the Calgary by-law was declared unconstitutional. Crown attorneys have therefore stopped arguing this type of case, since the argumentation was at an impasse and the rolls were overloaded through successive postponements, in anticipation of a ruling. By-law 333-3a has just passed the Superior Court appeal; the crown and defence are therefore bound to their respective positions.

Argumentation developed in the area of common bawdy-houses (Section 193 of the Criminal Code) and procuring (195.1) is very different. It is guided primarily by the facts of the case. This is because such cases may be heard by a judge and jury. Consequently, it is mainly a matter of convincing the jury, which makes its decision solely on the basis of facts (while the judge decides on points of law).

In a common bawdy-house case, the crown must begin by demonstrating that the establishment is a common bawdy-house (comings and goings, frequency, sexual services exchanged for remuneration, and so on). The defence usually contests the facts presented as evidence. For example, frequency is not hard and fast evidence, because it is impossible to establish -- beyond any doubt -- that all the comings and goings were for the purposes of prostitution. Hence the importance of the crown being able to base its claims on notes taken during several days of observation and on the testimony of several clients.

Where evidence of the existence of a common bawdy-house is admissible, defence lawyers try to contest other facts, particularly those related to the type of offence with which their clients are charged. Lawyers argue that the principal keepers (Section 193.1) and/or owners (193-2c) had no idea that prostitution was being practised in the establishment. They claim it was a coincidence that the prostitutes and their clients were in the premises at the time of the raid (193-2b), that they were old friends, and that the sexual relations involved no remuneration. Lawyers for individuals charged with being inmates of a common bawdy-house (193-2a) claim that their clients are caretakers or managers and that they were not aware of what was taking place on the premises. Prostitutes charged with keeping a common bawdy-house (193-1, or complicity under Section 21) claim that the frequency of their visits to the establishment were not sufficient to justify the charge, since they visited the premises with friends and did not receive remuneration, on some occasions.

Lawyers also use the facts of the case to defend procurers. They claim that prostitutes did not give their client money but were repaying a debt; or that the prostitutes gave them money, but of their own free will; or that they were simply acting as bankers for the prostitutes (keeping their money so they would not be robbed); or that the prostitutes were not

keeping them but were just contributing to the upkeep of the home, in proportion to their earnings; or that they were not living with the prostitute but only visiting, and so on. The crown can only uphold the evidence (use of force, exchange of money, and so on), list the assets of procurers and show that such assets are not in line with their incomes, stress circumstantial evidence and, most important, produce the statements of prostitutes and have them testify.

However, legal arguments are also possible in the case of common bawdy-houses. Defence lawyers claim that prostitutes cannot be charged with keeping a common bawdy-house (193-1) or with complicity (under Section 21 of the Criminal Code, which defines the parties to an offence). In their opinion, Section 21 would not apply because the prostitutes do not profit directly from the existence of a common bawdy-house. Therefore they would be neither keepers nor the accomplices of keepers. In such cases the crown argues that Section 21 is very broad and that it encompasses anyone who aids, assists, appears to aid or assist, or authorizes commission of the crime in question, and so on. By pointing out subtle distinctions among the possible ways this section could be interpreted, crown attorneys claim that keepers would not have any clients, or such high incomes, if not for the clients brought by prostitutes. For their part, the prostitutes would have less lucrative businesses, as sexual acts in a room are more costly, if not for the co-operation of keepers. So far, the outcome of this confrontation has been reserved; no clear precedents have been set and judges are divided evenly on the ways to interpret Section 21.

The most recent legal challenge is based on the Charter of Rights. At the present time the Charter constitutes a serious threat to legal control of prostitution.

On April 27, 1984 an Ontario Provincial Court Judge agreed with a defence lawyer who argued that Section 193 of the Criminal Code is illegal under the Charter (Appendix 24). The argumentation is basically as follows: prostitution is a perfectly legal occupation or activity in Canada. Section 6 of the Charter invests everyone with the right to earn a living in any of the provinces of Canada. Section 193 is primarily intended to deny prostitutes a place of business, which prevents them from earning a living. No other legal occupation is so clearly prohibited. Section 193 is thus unfair and discriminatory; it cannot be tolerated under the Charter.

If this interpretation was followed by other judges or upheld by superior courts, Section 193 would become inapplicable. This could also affect the application of Section 195-1 on procuring. Crown attorneys already anticipate the weighty argument to the effect that if prostitution is a legal activity, then it would be discriminatory and illegal to prohibit a person from living on the avails of prostitution of another person, or from

encouraging a person to work as a prostitute, because no other source of income is affected in the same way (that is, couples where only one individual works, or welfare or unemployment insurance recipients who live on the income of others, through income tax, and so on).

According to crown attorneys this would make a complete revision of the sections of the Criminal Code governing prostitution inevitable, and all the more urgent.

3.5.2 Sentences

The crown calls for as harsh sentences as possible, given the particular circumstances of a case, so that social control can be effective. The defence proceeds to undo social control by asking for the minimum sentence, again given the circumstances in question. It is the judge who makes the final decision; the effectiveness and the scope of this aspect of social control is left entirely in the judge's hands.

The criteria upon which judges base their sentencing decisions are essentially the same as those used by crown attorneys to justify the sentences they call for. Judges are probably influenced by the defence -- which presents the same elements as the crown, but in a different light -- and they tend to hand down lighter sentences than what crown attorneys call for. For example, for a first offence under Section 193-1, crown attorneys will usually suggest a fine of \$625, on average, and judges will impose a fine of \$600; for an offence under Section 193-2b the respective amounts would be \$200 and \$150, on average.

We should point out that Sessions of the Peace judges seem to be more lenient than those in municipal courts. The police and crown attorneys attribute this to the fact that the former judges hear fewer cases of this type; consequently, they underestimate the scope and seriousness of the problem, particularly when they compare such offences (whether consciously or not) with the more spectacular crimes they usually rule on. Judges in Quebec City, Sherbrooke, and Trois-Rivières tend to be -- perhaps for the same reason (misunderstanding of the scope and seriousness of the phenomenon) -- less harsh than their Montreal counterparts. At most they impose fines of \$50 for offences under sections 195.1 and 193-1 (complicity), and of \$200 on average for principal keepers.

Besides these geographical and jurisdictional considerations, several factors affect argumentation on sentencing and sentences imposed. They are as follows:

a) For any accused

- their age (the youngest offenders must be treated less harshly because they are less experienced and the chances of rehabilitating them are better)
- the expression of sincere repentance
- the number of offences committed and police records (recidivists or first offence)
- profits gained from the activity
- duration of the commercial operation
- significance of inconvenience caused to the public
- the extent to which public order was disturbed

b) For prostitutes

- the form of prostitution practised (on the basis of potential income)
- reasons given for prostitution (family situation, drug or alcohol dependence, and so on)

c) For procurers and contacts

- whether violence was used
- the age of the prostitutes involved (whether minors)
- the number of prostitutes involved

d) For clients

- their occupations and income, which determine their ability to pay a fine (a fine of \$100 does not have the same effect on a doctor and on a welfare recipient)
- family situation (possible reasons for frequenting prostitutes)
- the price paid for the prostitute's services
- the place where the sexual relations took place (possibility of having been seen, and so on)
- the age of the prostitutes involved (whether minors)

One judge told us that, early in his career, he had been influenced by the sex of prostitutes. He says he has long since given up the belief he once held that homosexual male prostitution, which is less socially acceptable, merits harsher sentences.

Judges do not hand down the same sentences for those who plead guilty and for those who are found guilty after trial. An accused who pleads guilty demonstrates more of a desire to repent, and saves the court time and money. Consequently, he or she receives a lighter sentence than individuals who plead not guilty when in fact they are guilty.

3.6 Effectiveness of applying legislation

According to all those involved, the way the law is currently applied is very ineffective. The main reasons for this are the restrictive interpretation of some sections of the Criminal Code, which make intervention impossible or fruitless; the limited potential for municipal regulations designed to fill gaps created by interpretation of the Criminal Code; the scope of steps required to establish evidence, compounded by light sentences and vague mandates (absence of complaints) which frustrates police and discourages them from intervening; inadequate police staff, in terms of both numbers and specialization of some personnel.

Law enforcement is perceived to be so ineffective that respondents in all categories (police officers, crown attorneys, and judges) are nearly unanimous in saying that legal precedents and the interception of current legislation make it impossible to meet any of the objectives of the Criminal Code sections and by-laws, that is, to restrict prostitution. The statistics gathered on arrests, convictions, and sentences seem to confirm this.

Judges and crown attorneys have no illusions about the value -- in terms of social control -- of the sentences currently permitted. They feel that the most useful sentences for controlling prostitution should dissuade those charged and encourage rehabilitation. They admit that those currently used are basically punitive. One crown attorney even added that the sentences given to prostitutes and keepers of common bawdy-houses are merely a form of tax (and a very low tax at that, given their incomes).

3.6.1 Arrest and sentencing statistics for Sherbrooke, Trois-Rivières, and Quebec City

According to our respondents, there were no cases related to prostitution in these cities in 1983. Sherbrooke has no official statistics whatsoever, which is not surprising since there is virtually no prostitution in that city.

The figures for Trois-Rivières are a good illustration of the limited extent to which social control agents in the city intervene. The only case heard in 1983 (which followed a complaint from a store owner) led to a charge against the keeper (owner) of a common bawdy-house and against seven prostitutes as keepers under Section 193-1. The eight individuals charged registered guilty pleas. The prostitutes were given \$50 fines and the principal keeper was fined \$200.

This data was supplied by ERAM police officers. The municipal police investigated only one complaint in 1983, which proved unfounded.

There is a computerized data bank for statistics in Quebec City. However, it has three serious shortcomings.

First, this bank has been in operation only since 1978. It is therefore difficult to assess the effect the Hutt case has had on police intervention.

Second, the statistics concern only offences under the Criminal Code. It was therefore impossible for us to obtain statistics reflecting the enforcement of municipal by-laws. To do this we would have had to review -- one by one -- some 50,000 files for 1983, because the data has never been compiled. However, the clerk indicated that there had been no cases of massage parlours (By-law 887) in the last year and that the cases heard under paragraphs of By-law 192 rarely involved prostitution.

Third, the statistics compiled are not broken down on the basis of the various Criminal Code offences; they show only totals for all offences. It was therefore impossible to consider pleas, sentences, and so on, by type of offence.

These statistics, which are presented in Table 1, show the paralytic effect on police intervention of the directive to act only where there is clear evidence of solicitation (as interpreted in the Hutt case). In fact, the number of arrests dropped from 30 in 1981 to 0 in 1982 and to 2 in 1983. This seems to illustrate the impossibility of enforcing Section 195.1 and the fact that, without intervention against prostitutes who solicit, almost no action can be taken against other activities related to prostitution.

3.6.2 Arrest and sentencing statistics for Montreal

The police in Montreal keep regular statistics only on Criminal Code offences. While they were kept for the period between 1972 and 1983, they do not illustrate fully the results of enforcing legislation, because there are serious omissions (even in terms of the Criminal Code). They are not broken down completely. Since 1974, solicitation has been included under "other prostitution", along with offences under sections 193-2a, 193-2b, 193-2c and 194; the statistics refer only to charges and do not

cover the outcomes of cases (guilty pleas, convictions, acquittals, charges withdrawn, charges dismissed, refusal to proceed, and so on) and they do not include any information on sentences. Nonetheless, they are partially reproduced in Table 2.

Two facts come to light from Table 2. First, it is impossible to control street prostitution (radical reduction in charges under "other prostitution"), resulting from the unenforceability of Section 195.1 following the Hutt case. The 61 charges laid in 1978 dropped to 13 in 1979, to 5 in 1981 and to 4 in 1983.

Second, there was a marked reduction in charges of procuring and of common bawdy-houses in 1979, that is, the period between the Hutt case (1978) and adoption of By-law 5464, which made it once again possible to take action against prostitutes.

Complete statistics on the number of arrests made in relation to all offences related to prostitution (including municipal by-laws) have been compiled only since 1983 (Table 3). It is therefore only for this year that we could assess the scope of action taken under municipal by-laws. To obtain similar data for other years we would have had to review some 65,000 annual Municipal Court files. However, the 1983 figures shown in Table 3 made it possible to confirm that municipal by-laws are the main tools used, in spite of the fact that -- following the Supreme Court judgment on the Calgary by-law -- Montreal used only By-law 333-2b for nine months.

In Montreal, no statistics are kept on the outcome of arrests. We had to compile this data ourselves, and the process was so lengthy that we could compile information only for one year. We then had to choose from among several options, which we shall explain here, so as to place the results presented in the correct perspective.

Every day, a liaison officer compiles an abridged version of the Montreal Municipal Court roll. This version includes only cases related to morality, alcohol, gaming, and betting. Each case includes a reference indicating what took place at the hearing. We had to consult the daily rolls to find cases related to prostitution. When we found such a case, we had to follow it through to completion, using the reference provided. This was a very laborious process because of the number of recesses before a case was closed. For example, there would be two recesses, at best, if the accused pleaded guilty at the hearing and the judge passed sentence at the remand date. Some cases were remanded as many as twenty times before a decision was made. It was by adding up the decisions recorded for each case that we were able to establish the data presented here.

TABLE 1

Cases related to prostitution from 1978 to 1983

in Quebec City*

	1978	1979	1980	1981	1982	1983
Number of arrests	27	6	30	2	--	2
Number of guilty pleas	14	4	16	--	--	--
Number of convictions	--	2	--	--	--	--
Number of acquittals and/or discharges	--	--	--	--	--	--
Number of charges dismissed or withdrawn or proceedings refused	13	--	14	2	--	2
Sentences for those who pleaded guilty or were found guilty						
a) Number of days in jail	--	--	--	--	--	--
b) Amount of fines and days in jail if fine not paid	\$825	\$1350	\$750	\$300	--	--
	214	188	206	30	--	--
c) Probation or conditions	--	2 yrs	--	--	--	--

*Quebec City, May 2, 1984

TABLE 2

Offences under the Criminal Code and charges
in the Montreal Urban Community district
from 1972 to 1983* (adults only)

Yr	Type of offence	No of offences	Offences followed by charges	Adults charged: Males	Females	** Total
1972	Sol	379	373	110	362	472
1973	Sol	417	412	136	375	511
1974	CBH	23	22	22	42	64
	Proc	36	36	18	20	38
	Other sol***	416	411	56	383	439
1975	CBH	47	45	60	80	140
	Proc	14	13	10	4	14
	Other sol	553	545	92	489	581
1976	CBH	75	74	246	125	371
	Proc	9	7	6	--	6
	Other sol	468	465	153	359	512
1977	CBH	67	65	227	124	351
	Proc	9	7	6	--	6
	Other sol	338	338	82	293	375

TABLE 2 (continued)

Offences under the Criminal Code and charges
in the Montreal Urban Community district
from 1972 to 1983*(adults only)

Yr	Type of offence	No of offences	Offences followed by charges	Adults charged:		** Total
				Males	Females	
<u>1982</u>	CBH	33	32	30	68	98
	Proc	31	28	28	2	30
	Other sol	10	9	6	1	7

<u>1983</u>	CBH	47	47	39	61	100
	Proc	26	26	21	3	24
	Other sol	4	4	3	5	8

Sol	-	Soliciting				
CBH	-	Common Bawdy-House				
Proc	-	Procuring				

*Source: Brief submitted to the Fraser Commission by the Fraternité des Policiers de la Communauté Urbaine de Montréal on February 28, 1984.

**There may be several people charged for one offence (occurrence). A charge of keeping a common bawdy-house may involve several people.

***Including "solicitation".

TABLE 3

Arrests for offences related to prostitution
in the Montreal Urban Community (MUC) district in 1983

<u>Criminal Code sections</u>	<u>Number of arrests</u>
Section 193-1	92
Section 193-2a	--
Section 193-2b	17
Section 193-2c	--
Section 194	--
Section 195-1	32
Section 195.1	--
Subtotal	141
 <u>Municipal by-laws</u>	
By-law 5464 (01/01/83 to 30/01/83)	62
By-law 333-2b	204
By-law 333-3a (beginning 01/11/83)	73
By-law 1573	--
Subtotal	339
Total arrests	<u>480</u>

We should also point out that the cases heard and/or closed in one year do not all refer to arrests made that year; consequently, all the arrests made in a given year did not lead to verdicts that year. For example, the majority of cases initiated in 1983 involving municipal By-law 333-3a, had not been concluded in March, April, and May 1984, when we were compiling our data. Cases initiated in 1983 involving municipal By-law 5464 had to be systematically abandoned from February 1983 on, following the judgment on the Calgary by-law. There were a great many more "charges withdrawn", so sentences were less representative. The nine-month transition period -- from the point where By-law 5464 could no longer be applied, to the point where By-law 333-3a came into effect -- did not allow us to base our data on a "normal" number of cases. The year 1983 would not have given us a clear idea of the outcome of law enforcement. However, since we wanted to include a recent picture of the situation, we compiled our data for 1982, for which representative information was available.

We used the results of all the cases heard and completed in 1982, regardless of the year of arrest. Consequently, court figures submitted do not correspond to arrest statistics for 1982. Table 4 shows the breakdown of cases completed in 1982. The table indicates that approximately 64% of cases (417 out of 654) involved offences under municipal by-laws and that approximately 90% of cases (585 out of 654) resulted in a guilty plea. These 585 cases were not included in Table 4, in order not to confuse the issues. Such a success rate may seem high, but it is very low compared with all the offences related to prostitution committed by the estimated 3,000 prostitutes and procurers, facilitators, and clients.

Table 5 is a breakdown for 1982 of the outcomes of cases (not including sentences) for the various charges related to prostitution, while Table 6 provides a breakdown for all the charges.

Table 6 indicates that cases were well prepared, because only 6.7% of charges were withdrawn, rejected or dismissed. The evidence was convincing because there was a guilty plea, a presumption of guilt, or a conviction in 91.3% of cases and an acquittal in only 1.7% of cases; 59.8% (365 out of 610) of the accused who were entitled to a trial pleaded guilty before the trial and 25% (153 out of 610) did not appear. Overall, nearly 85% of the accused admitted their guilt, either directly or indirectly.

Table 7 shows sentences handed down in 1982 for cases of procuring, and Table 8 shows sentences for common bawdy-house cases. As for offences under the municipal by-laws, Table 9 breaks down the sentences for offences under By-law 333-2b (wandering or loitering without a reason) and Table 10 covers offences under By-law 5464 (solicitation in a public place for purposes of prostitution).

TABLE 4

Breakdown of cases related to prostitution
completed in 1982, by offence committed (MUC)

<u>Offences under the Criminal Code</u>			
<u>Type of offence</u>	<u>Section</u>	<u>Number of cases</u>	<u>Total</u>
Procuring	195-1a	5	37
	195-1h	1	
	195-1h and j	1	
	195-1j	30	
Transporting person to bawdy-house	194	1 (charge withdrawn)	1
Common bawdy-house	193-1	130*	199
	193-2a	4	
	193-2b	60*	
	193-2c	5	
Total cases			237

<u>Offences under municipal by-laws</u>			
<u>Type of offence</u>	<u>By-law</u>	<u>No of cases</u>	<u>Total</u>
"Solicitation"	5464	401	401
"Loitering"	333-2b	16	16
"Massage parlours"	1573	0	0
Total cases			417
Total cases completed in 1982			654

*Five individuals originally charged under Section 193-1 pleaded guilty to Section 193-2b.

TABLE 5
Outcome of cases related to prostitution
by type of offence (MUC, 1982)

<u>A - Procuring (195-1)</u>		
<u>Outcome</u>	<u>Number</u>	<u>Reference</u>
Guilty pleas registered at court appearance	6	Subsection j
Guilty pleas subsequent to court appearance	15	Subsection j
	2	Subsection a
	1	Subsection h
	1	Subsections j, h
Found guilty after trial (with conviction)	2	Subsection a
Discharges (found guilty after trial but no conviction, for special reasons)	5	Subsection j
Charges withdrawn	4	Subsection j
	1	Subsection a
Total 37		

B - Keeping a Common Bawdy-house (193-1)

<u>Outcome</u>	<u>Number</u>	<u>Reference</u>
Guilty pleas registered at court appearance	49	
Guilty pleas subsequent to court appearance	44	(including 5 under 193-2b)
Found guilty after trial	20	
Acquittals	3	
Discharges	3	

TABLE 5 (continued)

Outcomes of cases related to prostitution
by type of offence (MUC, 1982)

B - Keeping a Common Bawdy-House (193-1) (continued)

<u>Outcome</u>	<u>Number</u>	<u>Reference</u>
Refusal to proceed (crown attorney)	1	
Charges withdrawn (crown attorneys and police)	13	
Charge dismissed (judge)	1	
Case closed (death of accused)	1	
Total	135	

C - Being an inmate of a Common Bawdy-House (193-2a)

<u>Outcome</u>	<u>Number</u>	<u>Reference</u>
Guilty pleas subsequent to court appearance	2	
Charges withdrawn	2	
Total	4	

TABLE 5 (continued)

Outcome of cases related to prostitution
by type of offence (MUC, 1982)

D - Being found in a Common Bawdy-House (193-2b)

<u>Outcome</u>	<u>Number</u>	<u>Reference</u>
Guilty pleas registered at court appearance	28	
Guilty pleas subsequent to court appearance	14	
Found guilty (by the judge where the accused failed to appear and the evidence justified a conviction)	2	

TABLE 5 (continued)

Outcome of cases related to prostitution
by type of offence (MUC, 1982)

D - Being found in a Common Bawdy-House (193-2b)

<u>Outcome</u>	<u>Number</u>	<u>Reference</u>
Found guilty after trial	1	
Acquittals	2	
Charges withdrawn	7	
Charge dismissed (judge)	1	
Total	55	

E - Permitting a place to be used for the purposes
of a Common Bawdy-House (193-2c)

<u>Outcome</u>	<u>Number</u>	<u>Reference</u>
Guilty plea registered at court appearance	1	
Guilty pleas subsequent to court appearance	2	
Found guilty after trial	1	
Charge withdrawn	1	
Total	5	

TABLE 5 (continued)

Outcome of cases related to prostitution
by type of offence (MUC, 1982)

F - Transporting a Person to a Common Bawdy-House (194)

<u>Outcome</u>	<u>Number</u>	<u>Reference</u>
Charge withdrawn	1	

G - Wandering or loitering without reason
(municipal By-law 333-2b)

<u>Outcome</u>	<u>Number</u>	<u>Reference</u>
Guilty pleas registered at court appearance	4	
Guilty pleas subsequent to court appearance	3	
Found guilty (by the judge where the accused failed to appear and the evidence justified a conviction)	3	
Found guilty after trial	4	
Acquittal	1	
Charge withdrawn	1	
Total	16	

TABLE 5 (continued)

Outcome of cases related to prostitution
by type of offence (MUC, 1982)

H - Soliciting in a public place (municipal By-law 5464)

<u>Outcome</u>	<u>Number</u>	<u>Reference</u>
Guilty pleas registered at court appearance	155	
Guilty pleas subsequent to court appearance	38	
Found guilty (by the judge where the accused failed to appear and the evidence justified a conviction)	148	
Found guilty after trial	41	
Acquittals	5	
Discharges	3	
Charges withdrawn and dismissed	11	
Total	401	

TABLE 6

Breakdown of outcomes for all cases
related to prostitution completed in 1982 (MUC)

<u>Results</u>	<u>Number</u>	<u>%</u>
Guilty pleas		
- at time of court appearance	243	37.1
- subsequent to court appearance	122	18.7
Admissions of guilt	153	23.3
Found guilty after trial	69	10.5
Discharges	11	1.7
Acquittals	11	1.7
Charges withdrawn or dismissed or proceedings refused	44	6.7
Case closed	1	.1
Total	654	99.8%*

*The total does not add up to 100% because some percentages have been rounded off.

TABLE 7

Breakdown of sentences for procuring cases
completed in 1982 (MUC)

Section 195-1a

(procuring a person to have illicit sexual intercourse)

- 2 months in jail
 - 2 months in jail and 663.1 (2 years)
 - 9 months in jail
 - 3 years in jail
- } SAME ACCUSED

Section 195-1h

(abetting or compelling a person to engage in prostitution)

- 1 day in jail and 666.1 (3 years)

Section 195-1h and j

- 1 year in jail and 663.1 (2 years)

Section 195-1j (living on the avails of prostitution)

- \$ 750 (or 30 days)
- \$ 750 (or 3 months)
- \$1000 (or 1 month)
- \$1200 (or 6 months)

TABLE 7 (continued)

Breakdown of sentences for procuring cases
completed in 1982 (MUC)

- \$300 (or 1 month) and 1 day in jail	}	SAME ACCUSED
- \$900 (or 4 months) and 1 day in jail		
- \$2400 (or 2 months) and 1 day in jail		
- \$2000 (or 1 year) and 1 day in jail		
- \$2000 (or 1 year) and 1 day in jail	}	SAME ACCUSED
- \$3000 (or 1 year) and 1 day in jail		
- \$3000 (-----) and 45 days in jail		
- \$4000 (or 1 year) and 3 months in jail		
- 3 days in jail and 663.1 (2 years)		
- 3 months in jail		
- 3 months in jail		
- 3 months in jail and 663.1 (2 years)		
- 6 months in jail and 663.1 (2 years)		
- 6 months in jail and 662.1 (2 years)		
- 1 year in jail		
- 2 years less a day in jail and 663.1 (2 years) (4 counts)	}	SAME ACCUSED
- 2 years less a day in jail and 663.1 (2 years)		

TABLE 8

Breakdown of sentences for cases completed in 1982
relating to Common Bawdy-Houses (MUC)

A - Section 193-1 (keeping a Common Bawdy-House)

*Fines (including 11 with certain conditions - 662.1 or 663.1)

	<u>No</u>
- less than \$100	1
- \$100 to \$499	29
- \$500 to \$999	38
- \$1000 to \$1499	11
- \$1500 to \$1999	8
- \$2000 to \$2499	2
- \$2500 to \$4999	8
- \$5000 and over (maximum \$8000	3

Fines and jail term**

- \$4000 and 1 month in jail	1
- \$5000 and 4 days in jail	2

TABLE 8 (continued)

Breakdown of sentences for cases completed in 1982
relating to Common Bawdy-Houses (MUC)

<u>Jail term</u>	<u>No</u>
- 2 days	1
- 3 days	1
- 1 month	1
- 3 months	2
- 6 months	1
- 8 months	1
Suspended sentence	1

*The total amount of fines was \$129,575 with an average fine of \$1246.

**The total number of days in jail was 21 months, 5 days, with an average of 91 days.

B - Section 193-2a (Being an inmate of a Common Bawdy-House)

<u>Sentence</u>	<u>No</u>
Suspended sentences and certain conditions (663.1)	2

TABLE 8 (continued)

Breakdown of sentences for cases completed
in 1982 relating to Common Bawdy-Houses (MUC)

C - Section 193-2b (Being found in a Common Bawdy-House)

<u>Fines***</u>	<u>No</u>
- less than \$100	11
- \$100 to \$199	24
- \$200 and over (maximum \$300)	5
 <u>Special Condition</u>	
- 662.1	1

***The total amount of fines was \$4875 with an average fine of \$122.

D - Section 193-2c

(permitting a place to be used for the purposes
of a Common Bawdy-House)

<u>Fines****</u>	<u>No</u>
- \$100	1
- \$200	2
- \$250	1

****The total amount of fines was \$750, with an average fine of \$188.

TABLE 9

Breakdown of sentences for cases completed in 1982
under municipal By-law 333-2b
(wandering or loitering without good reason) (MUC)

<u>Fines*</u>	<u>No</u>
- \$50	3
- \$75	8
- \$100	2
- \$125	1

*The total amount of fines was \$1075, with an average fine of \$77.

TABLE 10

Breakdown of sentences for cases completed in 1982
under municipal By-law 5464
(solicitation for the purposes of prostitution) (MUC)

<u>Fines*</u>	<u>No</u>
- \$100 and less	246
- \$101 to \$499	44
- \$500 to \$799	72
- \$800 and over (maximum \$1000)	19
Suspended sentence	1

*The total amount of fines was \$82,945, with an average fine of \$218.

These tables, and Table 11, indicate that the average fine for Criminal Code offences is approximately four times higher than that for offences under the municipal by-laws (\$978 as opposed to \$213). It should be pointed out that, in the latter case, sentences may not exceed \$200 for a first offence, \$500 for a second offence, and \$1000 for subsequent offences.

Table 11 shows the breakdown of fines for all cases. As far as jail terms are concerned, they are rare and apply mainly in procuring cases.

In closing this section on the effectiveness of enforcing legislation, we should add that the statistics for Montreal seem to confirm the impression of our respondents that the current system is ineffective.

a) There were 480 arrests in 1983, which is very low compared with the actual number of offences (undoubtedly higher but impossible to estimate since it would require knowing the exact number of prostitutes and the frequency of their activities).

b) Table 11 shows that the total amount of fines for prostitution cases was \$240,520, with an average fine of \$433 per case, which seems low compared with the income usually generated by prostitution, or for each person involved (prostitute, procurer, or facilitator).

The statistics seem to justify the scepticism of our respondents about the dissuasive nature of the current social control model.

3.7 Control by citizens' groups

We asked all our respondents to indicate whether citizens -- in more or less organized groups -- were working to control prostitution. The only current effort they were aware of involved the residents of Carré St-Louis in Montreal.

The residents' group was formed not to control prostitution directly (as in the case of the "Shame the Johns" group in Vancouver -- Appendix 25), but to pressure the authorities to provide more effective control. Their plan of action, formulated during meetings held between March and May 1984, took the form of a brief, petitions, and letters to the authorities (Appendix 26).

These residents have always wished to remain anonymous in terms of the media. Consequently, we were unable to meet with their representatives. However, we were told that they presented a brief to the Fraser Commission in a closed hearing. According to police who have already received complaints, these residents

TABLE 11
Breakdown of fines for all cases
related to prostitution in 1982 (MUC)

<u>Criminal Code</u>			
<u>Offence</u>	<u>Amount of fine</u>	<u>Number of cases</u>	<u>Average fine per case</u>
Procuring -195-1j	\$21,300	12	\$1775
Common Bawdy-House	\$ <u>135,200</u>	<u>148</u>	\$ <u>914</u>
- 193-1			
- 193-2b			
- 193-2c			
Total	\$156,500	Total 160	Average \$978

Municipal By-laws

<u>Offence</u>	<u>Amount of fine</u>	<u>Number of cases</u>	<u>Average fine per case</u>
Wandering or loitering -333-2b	\$1,075	14	\$77
Solicitation -5464	\$ <u>82,945</u>	<u>381</u>	\$ <u>218</u>
Total	\$84,020	Total 395	Average \$213

Total amount of fines: \$240,520
Total number of cases: 555
Average fine per case: \$433

are inconvenienced by street prostitution in St-Louis square. The clients of prostitutes drive slowly around the area trying to find "the best deal". This impedes traffic, increases the noise level, and prevents residents from parking their cars until very late at night. The prostitutes are abusive or behave unacceptably, and clients solicit the residents in error.

In letters and petitions sent to the authorities (the mayor, the police chief, the crown attorney, directors of the morality squad, and the Quebec Minister of Justice), these residents asked that steps be taken to eliminate prostitution or to limit the nuisance it causes. They asked in particular that the directions of one-way streets in the area be changed, to make access to the square and traffic movement within it more difficult. As access became more difficult for clients, they would begin to frequent the area less often and the prostitutes would be forced to change locations.

The residents' demands seem to have have been fruitful. The morality squads paid particular attention to Carré St-Louis during their annual spring clean-up. A raid on a common bawdy-house on Rachel Street (which was especially popular among the Carré St-Louis prostitutes and their clients) was also conducted in response to residents' complaints. Finally, the one-way street system around St-Louis square was recently changed. One resident told us that it is now more difficult to drive into the square, and that she has less trouble finding parking spaces. Only a few prostitutes continue to work in the area; the others have returned to "the Main".

3.8 Control by public and parallel agencies

There is almost no control of prostitution by public or para-public agencies, at least as far as adult prostitutes are concerned.

The resources of social services centres are available to anyone eligible to receive them, and most prostitutes are eligible; however, they do not use these services. There are no prostitute-clients as such; all that is known is that some regular clients do resort to prostitution. According to our respondents, the lack of identifiable prostitute-clients is the main reason why there are no programs specifically for prostitutes, particularly in the context of budget cutbacks.

The only public agencies we studied which have some direct, specific control are the downtown CLSC and the department of community health at St-Luc Hospital, both in Montreal. However, their action is limited; so far they offer prostitutes only services for the control of sexually-transmitted diseases.

Until the mid 1970s, a medical examination was mandatory for all prostitutes arrested. These examinations were conducted at police headquarters by a police doctor. When the doctor retired he was not replaced; the medical examinations were assigned to Tél  -M  dic doctors, who reported to police headquarters as required. The examinations were often conducted in less-than-ideal conditions. For example, swabs would sometimes be left sitting for as long as a week before being sent to a laboratory for analysis. This control method was abandoned in response to pressure, and an agreement was reached in 1980 between the Chief Judge of the Montreal Municipal Court and the downtown CLSC to introduce a more effective method.

Judges systematically gave all prostitutes and all clients a letter (Appendix 27) when they appeared in court advising them to contact the CLSC for a medical examination. The case was then deferred until a month from the preliminary hearing date, to allow the accused time to undergo the examination. When an accused appeared at the CLSC, he or she was given a document stating that the exam had been conducted. The document was then presented to the judge before the case could proceed any farther.

This very persuasive tactic, which carries no weight legally, has been used much less frequently following suspension of By-law 5464 (which led to a dramatic decrease in the number of charges specifically for sexual soliciting). The practice has been contested, but no official ruling has been made on it, so far. It is still used in cases where the police officer indicates that the prostitute did not use a condom (which is uncommon), or where the charges involve specific sexual offences.

Judges are reluctant to use this tactic for offences under municipal by-laws. Systematically obliging everyone charged with an offence under By-law 333 to take a medical examination would be an admission that the by-law is aimed specifically at solicitation for the purposes of prostitution.

Prostitutes and their clients are thus under less pressure to undergo the exam. However, they are free to have it conducted at the department of community health, where a screening and treatment program has been set up especially for them.

The services offered to not involve providing names or details; no questions are asked. While prostitutes use the service only when they have no other choice, the authorities at the St-Luc Hospital department of community health feel that the relaxed open atmosphere there will encourage prostitutes to return on a more regular basis. In the meantime, the services could be diversified without, however, imposing too many structures; prostitutes seem to resist formal structures. This is the main reason why they avoid community resources in general.

This attitude was also expressed by the directors of two parallel agencies organized mainly for street prostitutes. It is well known that such prostitutes have sordid backgrounds; they live on the fringe of society and they either cannot or will not be integrated.

The popularity of "La Piaule" and of PIAMP (or PIMP, a project to assist juvenile prostitutes) can be attributed to their flexible and informal approach (see appendixes 28 and 29). They have no set program or fixed hours and no particular methods, goals, or expectations. What they do provide is a warm, friendly, attentive welcome for street prostitutes, at no charge. They do not pressure their clients to reform. Rather, they consider themselves an alternative service -- a core to which prostitutes can retreat -- where they show, by their own examples, that there are other ways to live. Their aim is not to persuade prostitutes that their lifestyle is better or that it should be followed. They welcome clients around the clock, whenever they may need to visit, on a drop-in basis. They hope to see prostitutes develop at their own pace, toward a higher quality of life, whatever form that may take.

The services they provide are their availability, an attentive ear at all times, and a non-judgmental attitude. They may occasionally provide referrals to other agencies. Such assistance is provided on request only, and the client is under no obligation to use the service recommended.

According to our respondents, this is the most acceptable and the most effective type of assistance, in the long term. Public agencies could not provide such services unless they abandoned their rigid structures, their quantifiable objectives, their production quotas, and their 9 to 5 work schedules. It is essential that workers be fully integrated into the milieu.

4. Appraisal of possible social control models

If there is one subject on which all our categories of respondents agree, it is the inadequacy of the current social control model, at all levels.

The present situation is generally felt to be intolerable. Decisions must be made as quickly as possible to facilitate a return to more effective social control.

In this perspective, our respondents suggested steps which they felt would be most effective (regardless of political and legal reforms) and they tried to determine which social control model would present the fewest problems.

4.1 Application conditions for the various models

4.1.1 Essential conditions for any model

Our respondents indicated that whether legislators choose criminalization, decriminalization, or legalization as a social control model, it is important that they make clear and unambiguous decisions which will not be open to interpretation at election time. The reforms must be based on a Canadian social philosophy, with all its underlying standards and values. Consequently, the lawmakers' intentions must be clearly expressed in the proposed legislation. This will constitute protection against the abusive interpretation and endless legal challenges which hamper the court system and threaten social control.

All our respondents felt that control should be a federal responsibility, that is, governed by federal legislation. Municipalities could be given some latitude in enforcing the law, because this would permit action more in keeping with local situations. However, leaving the entire responsibility for control to city governments (whether laws or by-laws) could lead to serious disparities based on the economic constraints of some municipalities. Underlying norms, whether federal or provincial, would simplify law enforcement.

It will be necessary to review the effectiveness of control models regularly in the light of social developments. That way, specific changes could be made as needed so that intervention options would always be available. The reviews would be conducted by individuals with practical knowledge of the situation.

Whatever model is adopted, it would have to apply equally to all types of prostitutes (heterosexual, homosexual, or transvestite). The model should also provide for equivalent control of all forms of prostitution. Only special enforcement conditions -- within a particular control model -- would vary. For example, in the case of criminalization, harsher penalties could be applied to the forms of prostitution which constitute more of a threat to social order. If prostitution were legalized, there could be stricter control of prostitutes working out of their homes than of those employed in specialized establishments, and so on.

The model chosen would also include control measures for all those involved in prostitution. Prostitutes, clients, procurers and facilitators would be subject to the same regulations, but to differing degrees.

4.1.2 Special application conditions for criminalization

Most of our respondents felt that the criminalization model ought to negate the effects of the Hutt case and include new amendments to existing legislation. This position can be attributed to the number and complexity of problems inherent in enforcing current laws and by-laws.

A slim majority of our respondents felt that prostitution should be outlawed. This would clarify the situation and provide an effective, lasting solution. A clear, practical definition of what constitutes prostitution (based on a general consensus) would eliminate abuses and risks. Prohibiting prostitution would also make it possible to avoid the obstacles of recent challenges under the Charter of Rights, as mentioned earlier.

Such a definition could cover discriminatory elements such as remuneration of any kind for sexual services (money, gifts, promotion), the regularity of paid sexual relations with a number of different partners, the absence of choice among clients, and so on.

Where the focus would again be strictly on activities related to prostitution, our respondents suggested presumption of guilt, reversing the onus of evidence, and the acceptability of circumstantial evidence and character references. They also proposed that frequency (in common bawdy-house cases) could be determined for one establishment as a whole, rather than for units (all of a motel or a hotel rather than each room), although this could involve establishing more evidence on frequency.

Our respondents also wanted to see legislation obliging prostitutes and clients to undergo medical examinations and treatment, where necessary, for sexually-transmitted diseases. They also called for legislation making it possible to incriminate the owners or managers of establishments who, while not receiving direct commissions or advantages, knowingly permit solicitation for the purposes of prostitution. It would also be necessary to establish mechanisms to prohibit previously-convicted owners of common bawdy-houses from secretly selling their establishments to figureheads, only to re-open the business for the same purposes without making the improvements required under health and safety regulations.

If the keeper of a common bawdy-house sells the business, he or she is no longer obligated to make the required repairs. The figurehead is then free to operate the business until apprehended. This means the police must conduct lengthy operations over and over for each establishment.

To increase the dissuasive power of social control measures, it would be necessary to eliminate the profits involved. Clients could be discouraged from frequenting common bawdy-houses if they were all arrested and charged with solicitation, or other offences to be determined (and not only when they were found in a common bawdy-house during a raid). Prostitutes' profits could also be reduced through higher fines more in keeping with the profits earned. However, it would be important to ensure that fines were not so high as to encourage recidivism (if this was the only way a prostitute could acquire funds quickly). With a view to rehabilitation, the first solicitation offence would be treated as a summary offence; a suspended sentence would be handed down and the procedures for obtaining a pardon would be relaxed. Novices who were motivated to leave the occupation and those who practised prostitution only occasionally would then have an opportunity to give up the practice easily. Section 663 of the Criminal Code (which covers probation) should be modified so that certain probation conditions could be imposed on recidivist prostitutes without contravening the Charter of Rights. By removing prostitutes from the criminal environments where they got into trouble (prohibiting them from frequenting certain establishments, neighbourhoods, or individuals), it would be possible to assist them in their rehabilitation. Pre-sentencing reports could be used more widely to determine a prostitute's attitude toward rehabilitation.

It would be necessary to establish shelters, training programs, and psychological and financial aid to help such individuals. However, nearly half of our respondents questioned the relevance of such steps; they felt that prostitutes would not avail themselves of these programs. Furthermore, such resources already exist for the population at large; prostitutes who want assistance have only to apply.

Finally, our respondents are almost unanimous about the futility of a plan to exempt prostitutes from appearing in court in person. This would have no value in terms of rehabilitation and society's view of prostitutes. Prostitutes are seen and recognized by many more people on the street than in law courts.

Whatever social stigma exists has more to do with their activities, behaviour and attitudes than with whether they have criminal records or have appeared in court. Furthermore, the attitude of most prostitutes in court does not suggest that they are at all traumatized by appearing. The court appearance is one of the rules of the game. It would also be unfair to individuals charged with other offences to exempt only prostitutes from appearing. Appearing before the courts is part of the punishment.

4.1.3 Special application conditions for decriminalization

Most of our respondents felt that no condition would make it possible to apply decriminalization measures; some control was considered necessary.

4.1.4 Special application conditions for legalization

We should begin by pointing out that eight of our respondents (4 police officers, 2 judges and 2 crown attorneys) categorically refused to suggest application conditions for legalization. Others suggested that a federal board should issue permits both to prostitutes and to agencies. Prostitutes would be allowed to practise only in well-defined areas or in specialized agencies, preferably under government control.

Every permit holder would be required to carry a mandatory identity card bearing a photograph, so that the card could not be loaned or used by minors. This would also make it possible to run identity checks during mandatory medical examinations (conducted by government agencies such as health or social affairs departments).

Particular areas of the city and specialized agencies would be closely monitored by police to prevent organized crime from taking control, and to minimize the risks of corruption of public officials. This would require significant increases in police forces.

Some of our respondents also pointed out that psychological testing should precede the issuance of licenses to prostitutes; individuals for whom prostitution could have negative consequences would be excluded. The permit would also be issued only to those who agreed to take an educational training course where they would learn how to protect themselves from exploitation. Such training could also provide an alternative against the day when they might wish to change occupations.

It would also be necessary to recruit a bank of resource people to conduct periodic assessments of the psychological condition of prostitutes, at the time permits were renewed so that permits could be withdrawn (either temporarily or permanently) from those who were no longer considered eligible.

4.2 Assessment of various social control models

4.2.1 Decriminalization

Decriminalization was rejected by all our respondents who have ever had to enforce the current legislation. They feel it would only aggravate the present situation. The problems that have arisen with interpretation of the legislation would increase with the use of vague sections of the acts. Furthermore, specialized squads could no longer be used. The police would be swamped trying to control the crime which would inevitably arise from unchecked prostitution.

Decriminalization is seen as political shilly-shallying. It would give the impression of action but would not change the situation. Activities related to prostitution would be prohibited, but there would be no means to control them, since unclear legislation cannot be enforced. Meanwhile, prostitution and its negative consequences would be tolerated. This model would offer no real advantages for the prostitutes themselves; it would have no dissuasive value. Prostitutes would still have criminal records and their rehabilitation would be no easier. Such a model could actually bring about injustices, because citizens who committed offences governed by the same legislation to be used for prostitutes would be identified with them. It would be unfair that they should be subject to the same pressures when their offences (unrelated to prostitution) would be occasional and unprofitable.

4.2.2 Legalization

Almost all our respondents considered legalization of prostitution unacceptable. It would encourage young people or novices to enter or remain in a violent and degrading occupation. The selection mechanisms for permits would drive those considered ineligible underground, where they would be more vulnerable, more exploited, and even more marginal.

Legalization would be all the more unacceptable if society were benefiting from deviant behaviour. Rather than rehabilitating marginal individuals, society would be exploiting them for financial gain. Such individuals are marginal to begin with; legalization would reinforce their position.

By institutionalizing prostitution, the state would become the procurer, without necessarily eliminating traditional procurers. Members of organized crime or public servants might be very tempted to take on this role, because of the centralization of activities and of revenue.

It is illogical to permit individuals to live deviantly. Prostitutes should be prevented from selling their bodies; after all, we do not condone suicide or self-mutilation. Neither

legalization nor decriminalization offers any true freedom; prostitutes never really choose their clientele. The choice of work-place and work hours is dictated more by the clientele than by personal preference.

Legalization will not improve society immediately. The negative image we have of prostitutes will not disappear overnight. The stigma associated with prostitution will persist whether prostitution is legalized or outlawed.

Legalization will not guarantee social order, either. Liquor sales are controlled, but there are so many liquor-related offences that special police squads are required. In the context of social control we must consider how to select areas where prostitution would be permitted. Legalization would make law enforcement even more difficult. Prostitution would become a more popular activity, and the more prostitutes in business, the more police officers would be needed to monitor them. There could be only a certain number of prostitutes in the legal network; other individuals would be operating illegally. Legalization would require a parallel criminalization model to deal harshly with illegal workers.

Unless it was perceived by prostitutes as a laissez-faire market, legalization would not receive their support. They would not welcome additional controls, income tax, and lower wages. Prices could not be excessive under a legalized system because there would be no risk involved and because the public is unlikely to tolerate high salaries for prostitutes in an economic context when jobs are rare and poorly paid.

Our respondents also had difficulty imagining how strict standards for the issuing of permits could be determined and applied. Who would set such standards and what would be involved? Who would issue the permits? There seem to be problems inherent in all these areas.

Legalization would not guarantee anonymity for clients; on the contrary, a poor marketing strategy could drive clients into the illegal sector, and all the present problems would resurface. There is a risk that organized crime would try to infiltrate the system (the "protection racket"). Competition wars between procurers and agencies would also have to be controlled.

Finally, there is no guarantee that legalization would be less expensive than criminalization. It would involve enormous control costs. The income generated would probably be used in the same way as fines are now used, that is, to pay for administrative costs.

4.2.3 Criminalization

Nearly all our respondents considered criminalization the model most likely to allow effective social control and to facilitate law enforcement.

Criminalization cannot be considered too costly for society when one considers the negative consequences of prostitution discussed earlier. Clearly, there are disadvantages to criminalization; the current legislation could be poorly amended and new legislation might include unclear definitions. More effective control of prostitution could cause overloads in courts, at least during the initial reform stage.

If it were only activities related to prostitution which were criminalized, and not prostitution itself, there would be a risk of prostitutes simply changing locations (different neighbourhoods, different forms of prostitution, and so on). However, the other models present the same risks and they do not offer the advantages our respondents saw in criminalization:

- restriction of prostitution (dissuasion of prostitutes and clients)
- improved control of prostitution and of crimes which could spring up around it
- surveillance of minors
- maintenance of public order
- elimination of competition
- possibility of offering rehabilitation programs for prostitutes
- control of the most negative aspects of prostitution (particularly the existence of procurers)
- fewer police required than for legalization.

Furthermore, social control agents would have a clear mandate, which would improve morale. They would no longer be required to search out subtle distinctions to win cases, or to risk very lengthy legal battles in order to take effective action.

CONCLUSION

All our respondents saw prostitution as a problem. They felt that the occupation has many harmful effects which make it socially unacceptable. Among other problems are: the practical nuisance it causes to residents and passers-by in the neighbour-

hoods where it is practised; the many physical, psychological and social disadvantages for those who practise the trade (especially street prostitutes); and the enormous social and financial costs involved.

Without claiming to have any ideal solution to eradicate prostitution, our respondents felt that it should be closely controlled, to keep it to a minimum and to limit its negative consequences.

Current social control is inadequate. The laws and by-laws are ineffective and, what enforcement is possible, is not sufficient to control the situation, even at a surface level. We must therefore modify social control measures quickly, and find a model which will make effective action possible. The urgency of making such changes is based on the recent situation of paralysis, which has forced social control agents to adopt a laissez-faire attitude, giving prostitutes more freedom. Some people feel it may already be too late to intervene.

All the police officers, judges, and crown attorneys consulted felt that decriminalization would not permit any control whatsoever. It would create a situation where the possibilities for action would be even more limited than at present.

Most of our respondents favoured strict criminalization of activities related to prostitution, and even prohibition of prostitution itself, which would allow for more effective control of prostitution and its most negative consequences.

Furthermore, legalization is a much less popular solution, owing to the many serious problems which it would inevitably entail.

Regardless of the option chosen, all our respondents felt that clear positions must be adopted as quickly as possible, to allow the most effective control we can muster or a situation which all existing models cannot eliminate.

Finally, the new control model should come under federal jurisdiction and should apply to all types of prostitutes, all forms of prostitution, and all those involved, including clients.

PART TWO

PROSTITUTION AS A BUSINESS

SECTION I: THE NATURE OF THE PROBLEM

1. Definition and interpretation of the terms of reference

On the basis of a definition of prostitution as the delivery of sexual services for a consideration, which in itself suggests a social phenomenon corresponding to a specific economic activity governed by particular laws and regulations, we were asked to gather and to analyse relevant and useful data on the following areas:

- a) a detailed description of prostitution as an occupation and as a business, and related activities
- b) a detailed description of those who practise, support, encourage, or facilitate prostitution, particularly prostitutes, clients, procurers, facilitators, and others involved.

Consequently, and in full accordance with our mandate, we designated as priority target groups prostitutes, clients, facilitators and, finally, procurers. We should point out that the order of presentation is based on the hierarchy or respective emphasis which we place on these groups.

Along the lines of our mandate and in order to ensure that we could complete our task as efficiently as possible in the allocated timeframe, we tried to sketch a picture of prostitution from the perspective of the target groups, that is, based on their knowledge, perceptions and attitudes.

Finally, we were asked to conduct our investigation within the geographical areas of Montreal, Quebec City, and Trois-Rivières, and to compare and contrast the situations in those cities. Once again, the order in which we discuss the designated areas is based on their relative importance in the study. We were originally intended to investigate Sherbrooke as well but, since we decided we should concentrate our efforts on the other areas -- as Sherbrooke was the least important -- we chose to consider prostitution in Sherbrooke solely in the section of our report covering social control.

2. Limitations and difficulties inherent in the research

It goes without saying that we encountered numerous obstacles in our project, many of them inherent in the nature of the subject and the target groups; time constraints presented a problem as

as well. We would like to discuss the way our report was prepared, for the benefit of our readers.

First we should explain that our research -- from the project design to the writing of the report -- had to be completed within a four-month period, which was a very tight schedule necessitating strict discipline among members of the research team. This affected the choice of method and practical considerations, and it imposed quantitative and qualitative limits on the number of individuals we could include in our sample, and the way data would be processed. However, we feel that these factors did not have a significant impact on the validity or scope of our results, as will be seen.

Another major obstacle was the very nature of our target groups. Since such individuals operate illegally and constantly feel threatened and watched -- whether this is actually the case or not -- they are often difficult to locate and always hard to approach. It was especially difficult to persuade them to participate effectively in our research. These problems obliged us to use various different techniques; in some cases we used a direct approach, which was risky but necessary with prostitutes working on the street. We recruited such individuals through personal contacts on the scene.

A conventional approach such as "I am doing research for the Department of Justice or for X university" was impractical; developing personal contacts was essential, and this was especially difficult given the time constraint. Direct recruitment in work areas was almost impossible. In the case of street prostitutes, we could not talk to them long enough to persuade them to participate, particularly when they were being watched by procurers. We had to integrate ourselves into the milieu, spending time in bars and taverns where prostitutes gather when they are not on the street. Much of our success in finding respondents depended on resourcefulness and on an ability to mingle with the people in the milieu.

We also decided to use an indirect approach, through a third party, generally a representative of a target group already interviewed who agreed to put us in contact with one or more colleagues. Another approach was to inspire interest in our research by publicizing it, on the basis of our target groups, through classified ads and appearances on two radio programs. Finally, we approached individuals and agencies who could provide assistance by introducing us to members of the target groups. This was the case with the authorities, and the inmates' committee, of the Tanguay provincial women's prison, and with some members of the MUC morality, alcohol, gaming and betting squad, who went -- on one occasion -- as far as arranging evening interviews with clients, prostitutes, and the owner of a common bawdy-house, immediately after their arrest. Unfortunately, legal considerations prevented some individuals and

institutions from co-operating with us as much as they would have liked to.

We were also unable to devote as much attention as we should have to the details and impact of some recent and/or marginal forms of prostitution, such as dancers who come into clients' homes. As a whole, such operations form a significant part of the trade and are apparently increasing at a remarkable rate. Much to our regret, we were forced to concentrate on the most widespread and traditional forms of prostitution.

3. Methodology

Our plan of action and what little knowledge we had of the obstacles facing us led us to choose personal interviews with those representatives of our target groups who agreed, from among the many possible approaches we could have taken.

To be sure that such interviews would be conducted quickly and efficiently, we decided to use structured interviews which were flexible enough to permit discussion, so subjects would feel free to express themselves.

Another aspect of the interviews which we consider essential was the introduction we provided to all our potential subjects prior to their agreeing to participate, during which we explained all the relevant details of our objectives and methods. We wanted to be sure our respondents were participating freely, that they understood what their participation entailed, and that they felt comfortable with the interview format. We indicated that there was no time limit on the interview and no set structure, and that they were free to choose the time and place for our meeting. This situation did not put undue pressure on us, but we were always prepared to make suggestions.

To ensure that our data collection and processing would not be adversely affected by the decisions mentioned, we chose to produce, for each target group, a questionnaire which the interviewer completed during the interview or afterwards, from notes taken. These questionnaires are fully reproduced in appendixes 30 to 34.

The most important characteristics of the questionnaire were that each question referred to a specific piece of information we required, and that all the questions were grouped together on the basis of themes presented in a logical order (even if this is not always apparent). The numbered "objective" questions and the possible responses (where there was more than one) were pre-formulated, so that the data collected would be uniform and easy to handle; this made it possible to process the data in more ways and in more depth.

While the questionnaires for procurers, clients, and facilitators were concise, those for the prostitutes were not, by any means. Since prostitutes were the most important target group for the purposes of our research, we wanted to concentrate our efforts on that group. Consequently, we designed an exhaustive questionnaire and an abridged version of the same form which was used to prepare our report and compile the statistical tables.

Finally, because of the difficulties mentioned -- particularly the time constraint -- our approach was different for the Quebec City region. Instead of interviewing representatives of the target groups, we conducted interviews with individuals considered to be knowledgeable about prostitution in that region who we felt would be prime resource-persons able to provide qualitative and quantitative information as valid as what we could expect from discussions with representatives of target groups. This information and data constitute, as a whole, the basis of our report.

4. Validity of results

Given the constraints we faced, the nature of our research, and limitations in terms of methodology, our results can be considered only approximations. Nevertheless, we feel confident that they provide a good overview of the way prostitution operates. In this respect, the fact that our respondents participated voluntarily serves to confirm our convictions.

5. Description of the population

Before we present our results, we would like to describe the people we studied in terms of numbers, geographical location, and category (tables 12 to 14). These themes will be considered at other points throughout the report.

TABLE 12

Global breakdown of respondents

Prostitutes

Males: 13

Breakdown

- transvestites	2
- dancers	2
- massage parlour	1
- street and bars	7
- classified ad	1

Females: 69

Breakdown

- massage parlours	8
- escort agencies	5
- classified ads	4
- luxury bars and hotels	6
- men's hair salons	2
- "call-girls"	2
- street and bars	42

Total number of prostitutes

82

TABLE 12 (continued)

Global breakdown of respondents

<u>Clients</u>		
Heterosexual:		23
Breakdown		
- street and bars	15	
- massage parlours	3	
- hotel	1	
- other	4	
Homosexual:		10
Breakdown		
- street and bars	10	
Total number of clients		33
<u>Procurers</u>		6
<u>Facilitators</u>		14
<u>Total number of respondents</u>		<u>135</u>

TABLE 13

Breakdown of respondents in Montreal

Prostitutes

Males: 10

Breakdown

- transvestites	2
- dancers	2
- massage parlour	1
- street and bars	4
- classified ad	1

Females: 65

Breakdown

- massage parlours	8
- escort agencies	5
- classified ads	4
- luxury bars and hotels	4
- men's hair salons	2
- "call-girls"	2
- street and bars	40

Total number of prostitutes

75

TABLE 13 (continued)

Breakdown of respondents in Montreal

Clients

Heterosexual: 20

Breakdown

- street and bars 12
- massage parlours 3
- hotel 1
- other 4

Homosexual: 8

Breakdown

- street and bars 8

Total number of clients 28

Procurers 4

Facilitators 10

Total number of respondents 117

TABLE 14

Breakdown of respondents in Trois-Rivières

Prostitutes

Males: 3

Breakdown

- street and bars 3

Females: 4

Breakdown

- street and bars 2

- luxury hotels 2

Total number of prostitutes 7

TABLE 14 (continued)

Breakdown of respondents in Trois-Rivières

<u>Clients</u>	
Heterosexual:	3
Breakdown	
- street and bars	3
Homosexual:	2
Breakdown	
- street and bars	2
Total number of clients	5
<u>Procurers</u>	2
<u>Facilitators</u>	4
<u>Total number of respondents</u>	<u>18</u>

SECTION II: PRESENTATION OF RESULTS

1. Categories of prostitution - organization and operation

1.1 Sexual characterization of prostitution

What emerges very clearly about the organization and sexual characterization of prostitution in Quebec is an extreme diversity and a clear "sexual division of labour". This is increasingly apparent, regardless of geographical differences.

Prostitution has become so heterogeneous, so sophisticated and so visible that clients can find whatever services they desire offered by a sufficient number of prostitutes, for a fair price. We even discovered that specialized groups form (in certain bars, for example) to offer services on the basis of sexual orientation or of particular sexual characteristics, such as bars where transvestite prostitutes predominate. In spite of this, the traditional forms of prostitution (on the street and in bars) are still the most prevalent, even though they are declining.

It is also worth noting that where prostitutes present particular sexual characteristics, or offer services which could be considered unusual, the rates are generally higher than those that are charged in the traditional forms of prostitution. The relative rarity of a particular service means that the law of supply and demand -- which plays such an important role in prostitution -- works strongly in favour of forms of prostitution which go beyond the conventional varieties.

1.2 Forms of prostitution

In the following pages we provide a succinct description of the main forms of prostitution: we define each form and point out distinguishing features. Some questions will not be covered here, such as services, fees, and so on; these areas will be discussed in separate sections.

1.2.1 Street prostitution

Clearly, this is the form of prostitution which sparks the most controversy and attracts the attention of the authorities, of residents concerned about prostitution, and of all those involved in the activity.

This can be explained by the fact that street prostitution is the most common and most visible form and that, consequently, it is the form most likely to incite the reproach of anyone hostile to the activity, or of individuals for whom prostitution constitutes a nuisance -- sometimes on a daily basis -- such as residents of

areas where it is practised. Another element to consider is that this form of prostitution is very accessible financially.

One of the fundamental characteristics of street prostitution is its extreme localisation. It is always concentrated in a sector bounded by only a few streets, or it is found in the immediate vicinity of some kind of centre.

As soon as street prostitution emerges in an area, it tends to stabilize and take root, unless external factors come into play to eradicate it. Its stability then leads to various developments in an area: the emergence of specialized houses or rooms, or specialization in certain houses; the presence of prostitutes' clients in certain businesses such as bars and, consequently, recruitment by prostitutes in such bars, which may tolerate or even encourage their activities.

Street prostitutes organize their trade fairly simply. Generally, there are no areas strictly reserved for one or more prostitutes. However, sometimes prostitutes have procurers who make agreements: for mutual convenience, other prostitutes working in the sector will usually respect agreed-upon rules such as not recruiting at a particular corner where prostitutes are already stationed.

There is also some degree of stability among prostitutes working in a given sector. While there is a constant turnover of personnel, there is always a stable core of prostitutes, which tends to be significant because, once a prostitute becomes accepted in a sector, he or she will tend to stay as long as possible, until external factors -- such as insufficient business -- come into play.

Prostitutes become all the more attached to a sector when they make friends or can spend time with colleagues; often they work in teams, which helps to pass the time more pleasantly and, above all, is safer. Sometimes they will even form an autonomous work team.

The method by which clients are recruited is also fairly simple. The clientele is also relatively stable; while a client may change prostitutes within a given sector, he will usually acquire habits which encourage some degree of consistency. Recruitment involves direct, personal solicitation. Prostitutes generally make their presence known by a constant presence. They do not solicit verbally -- which is dangerous -- but by a particular attitude and attire. This is why clients usually take the initiative.

The transaction is another simple matter because clients usually know the rates for various acts, and prices are generally the same within a particular sector, as are related expenses, where applicable.

Finally, as far as income is concerned -- and contrary to popular opinion -- street prostitutes are generally not a disadvantaged group. However, they are at a great disadvantage when it comes to working conditions and to the risks they must take.

1.2.2 Prostitution in bars

Prostitution in bars has traditionally been a significant part of the trade. In this case prostitutes recruit their clients in bars of all styles and types. With the exception of some luxury bars, the organizational structure of operations varies little from one area to another.

It is interesting to note that this type of prostitute usually works in several bars located over a wide geographical area; he or she will usually frequent only a particular type of bar and, to that extent, is not very mobile.

These prostitutes are frequently unstable in that they will change their collection of bars often to avoid attracting the attention of police or bar owners; this may also be a way to vary their clientele, who risk becoming bored.

Operators in this category are often independent, although there are bars where the prostitutes organize themselves or are organized to hold a monopoly on the sexual services offered. Individuals working this way must be careful not to be too explicit or too aggressive in soliciting; often they must cultivate the empathy or complicity of the bar personnel. Many bar managers will not tolerate prostitutes on their premises, in order not to offend clients. On the other hand, some welcome prostitutes because they definitely improve business. Some bars, particularly exclusive establishments, tolerate prostitution reluctantly; by accepting a certain number of particularly appealing prostitutes they can attract new clients or prevent a segment of their clientele from switching to rival bars.

1.2.3 Prostitution in massage parlours

The number of businesses offering massage is increasing at a remarkable rate. It is important to make a distinction in this area, as there are two categories of establishments; those which are limited to massage treatments; and those which offer sexual services under the guise of providing massage, so that they may advertise legally.

To avoid confusion, it is common to use the term "clinic" for centres devoted to massage therapy; massage or body-rub "parlour" refers to those offering sexual services. Needless to say, in the latter case -- and according to most of the

descriptions we heard -- such massages are clearly preparation for sexual services and the prostitutes involved have no skills in massage therapy whatsoever.

Aside from advertising by word of mouth, which is always indispensable in such operations, massage parlours are publicized strictly through classified ads placed in specialized publications or daily newspapers.

Operations are similar from one massage parlour to another and are characterized by simplicity: once the basic rate (for a massage and shower) has been settled at the reception desk, the masseur or masseuse directs the client to the shower and then to the alcove or private room reserved. If the client desires sexual services (which is almost always the case), he must take the initiative for soliciting what he requires. This is a security measure for the prostitutes and the owners of the operation. The client then settles the cost of the service with the masseur or masseuse, paying either the prostitute or the receptionist immediately. The rates are the same within a particular massage parlour and they vary little from one parlour to another.

We should also point out that, in general, massage parlours are very well maintained, very clean, and very comfortable, which are essential concerns for clients who frequent this type of prostitute. Such establishments also take great pains to ensure the anonymity of clients; they avoid asking for personal information such as names or occupations, and they ensure that clients never cross paths on the premises.

One important feature to note is that each massage room is equipped with a listening device and sometimes even with a camera. Clearly, such equipment is installed for surveillance purposes, to screen and eliminate clients who might be violent with the prostitutes, or who refuse to respect the agreement made. They probably also serve to ensure that employees are honest in their dealings with clients and with the employer.

Finally, there are some such establishments where there is no apparent prostitution but where other services, such as pornographic videos or nude dancers, are offered.

1.2.4 Prostitution in escort or "hostess" agencies

Escort services, also known as "hostess" agencies, are businesses which provide companionship, for a fee, at a client's request. Many such agencies are actually covers for prostitution, and they are increasingly popular.

Advertising is usually provided through classified ads in specialized publications and in daily newspapers. The clients are usually well aware of the nature of the services offered. Again, reputation -- which is based on customer satisfaction -- is a key factor in advertising.

A client who wishes to purchase a prostitute's services must begin by calling an agency's office. Surprisingly enough, it is usually possible at this point to determine whether prostitution is provided and sometimes rates will even be listed, but all clients are invited to present themselves in person.

Once the client appears at the office there is a cursory screening to eliminate dubious customers or potential trouble-makers. However, anonymity is ensured because the client is not asked to supply any personal information.

During the initial visit a client who has passed the screening must pay a fee, which may vary from one agency to another but is usually between \$20 and \$30. Preferences as to the physical attributes, race, age, and so on of the escort are noted by the receptionist. On the basis of such preferences, she will describe the available escorts in great detail, or even provide photographs. The client then makes his choice.

Apparently, the client may never meet his escort at the agency itself. They meet in a mutually convenient public place, where they discuss fees, the duration of the assignment, and where sexual relations will take place. Prices are based on an hourly rate and, while they may differ from one agency to another, they are generally comparable. In exceptional cases, fees may be based on special attributes of the prostitutes; this is sometimes the case in Quebec City.

1.2.5 "High-class" prostitution

So-called "high-class" prostitution, which is probably the least well-known variety and which has apparently existed for a very long time, can be distinguished by the fact that it involves only a small number of individuals, that large sums of money change hands, and that it is associated with a particular lifestyle and organizational structure. It is often based in specific locations, such as very exclusive bars or luxury hotels. Some prostitutes do not have a central headquarters but are members of organized networks which supply clients or -- in exceptional cases -- are supplied with clients by a "legitimate" business which can loosely be considered as an employer.

It is not surprising that little is known about this form of prostitution; anyone involved in it, in whatever capacity, is literally obsessed with secrecy, which is maintained through a whole range of security measures. This is why police forces have

never wanted or been able to take action against such operations.

Prostitutes in this category are distinguished by their physical and intellectual attributes, which are often apparently above-average, and by a range of assets from social refinement to contacts which may be useful to clients. It would appear that "high-class" prostitutes generally offer a wider range and a higher quality of sexual services; they spend much longer with their clients, who they have a vested interest in pleasing. Their sexual performance is often considered to be excellent. We should also add that such prostitutes are generally appreciated for the quality of their company, which explains why clients often use their services for periods ranging from a few hours to days or even weeks.

These prostitutes may work alone or in teams of varying numbers. We were not able to acquire any information about the significance of the teams or how they operate.

Another characteristic of such prostitutes is that none of them recruit or solicit their clients, who are generally referred by facilitators. We were told that, with the exception of members of organized networks, the prostitutes rarely pay the facilitators; it is up to the client to do this.

"High-class" prostitutes who work in bars or hotels are nearly always treated very well; the authorities do more than tolerate their presence, they actively encourage it. Apparently many establishments make an effort to provide such services to certain clients. There is actually rivalry between establishments, who take pride in what they are able to offer.

1.2.6 Marginal categories of prostitution

There are a great many other varied forms of prostitution which we have chosen to group together under the "marginal" category. For example, there are masseurs and masseuses who provide sexual services in the client's home, young adults who recruit their clients from among the elderly, and couples who offer sado-masochistic sexual services on a sporadic basis, which they advertise in certain specialized publications.

We have described these categories as marginal forms of prostitution because, although collectively they may be significant, each category involves only a small group of individuals, whether prostitutes or clients.

There are such differences in the organization and operation of the various services, even within a particular category, that the only common denominator is their marginal nature. It would be very difficult to try to label or describe coherently how such services operate, since they are in constant flux.

1.3 Specificity of prostitution in the municipalities under study

1.3.1 Montreal and metropolitan area

As in all major cities, prostitution is widespread and highly developed in Montreal and the surrounding areas. What distinguishes Montreal is that it is the only place in the province where all the forms of prostitution are represented, to varying degrees. There is a constant influx of prostitutes from other places, mainly from other provinces but also, increasingly, from the United States. Such operators, who come to the city to work temporarily, represent all the different types of prostitution.

It is also worth noting that the geographic division of some categories of prostitution is fairly structured. For example, there are no massage parlours in Montreal itself, but there are a great many in the small towns in the Montreal metropolitan area. This is because municipal By-law 1573 prohibits practising massage on a person of the opposite sex; consequently, homosexual male prostitution is not affected. Street prostitution, on the other hand, is practised almost exclusively in Montreal itself. The other categories of prostitution are divided fairly equally over the entire metropolitan area.

Another characteristic of Montreal is that, of all the cities we studied, its police force demonstrates the most active, systematic, on-going effort to combat prostitution. The number of arrests which lead to convictions is evidence of this. This is an important fact to consider because the vast majority of our respondents were from Montreal and the surrounding area, so their opinions predominate in the section we devote to prostitutes and the law.

On the other hand, according to those working in the area, such efforts to combat prostitution apply almost exclusively to the forms which are most visible and easiest to monitor, particularly street operations.

1.3.2 Quebec City

In Quebec City, where prostitution is almost invisible, the activity is divided into two distinct areas reflecting the city's economic divisions, that is, a regular "high-class" service in Upper Town, and less expensive services in Lower Town. Since our efforts were focussed mainly on Upper Town, which is by far the most significant sector, our remarks about Lower Town prostitution are very limited.

There is street prostitution in Lower Town, but it is uncommon. It is practised in particular areas by a few older females, and

by some homosexual males who seem to favour shopping centres and train and bus stations.

The most significant form of prostitution in this area is that practised by women, found almost exclusively in a few bars. It is quite apparent that both the prostitutes and their clients are victims of a depressed economy, which is clear from the fees charged: \$30 to \$40 for fellatio and a maximum of \$50 for coitus. However, this is not the case for male prostitution, where the rates, clientele and operators are comparable to those found in Upper Town. The prostitutes are often organized in autonomous or structured teams; those working alone are in the minority.

The Lower Town prostitutes and their clients rarely change locations and there is little turnover. Violence is widespread; the presence of procurers is evident and facilitators are also used.

As far as Upper Town is concerned, we should point out that there are many forms of prostitution by women. There is no street prostitution; most activity is in bars, hotels, and escort agencies.

There is one Upper Town bar which we studied closely, because the organizational structure of prostitution there was particularly unusual and because it is considered almost an institution, not only around Quebec City but throughout the province. We decided to devote a few lines to describing it. Needless to say, it is a very popular spot.

The male clientele who frequent this bar, who are screened on the basis of "quality" criteria, consist mainly of public servants, businessmen, professionals, and tourists, and they are almost all seeking sexual services. As for the female presence in the bar, it consists exclusively of prostitutes, whose duty it is to satisfy all client requests.

The women are hand-picked by the bar management; they work in relay teams generally of 12 to 15 members. They must respect strict guidelines on conduct, which are monitored and enforced by the management. For example, they may not solicit clients, use drugs, or abuse alcohol. They must also undergo regular medical examinations (for which they are frequently checked), and they may not have sexual relations with clients on the premises. Clearly, the bar management makes an effort to offer its clients high-quality services.

This bar is successful in catering to the wishes and needs of both clients and prostitutes; the premises are well kept; working conditions are excellent; security is beyond reproach; the honesty of personnel is assured, and so on. Another factor, by no means negligible, is that the bar offers competitive rates: the usual fee is between \$75 and \$150.

As for prostitution in bars generally, which is apparently the largest category of prostitution in Quebec City, it is concentrated in tourist areas and around government buildings. The prostitutes involved work on a permanent basis, but there is also a significant number of casual prostitutes and -- when tourism peaks or when special events are scheduled -- many prostitutes come in from other Quebec cities, particularly Montreal, and from other provinces, especially Ontario and British Columbia. There are also operators from the United States.

"High-class" prostitution is also practised in the major hotels, in accordance with the standards common to this type of operation. It is seen by the authorities of such establishments as inevitable in a city like Quebec. Such prostitutes are tolerated to the extent that they meet the needs of particular clients, that they are discreet and, most important, that they never complain or cause trouble.

As far as escort agencies are concerned, which apparently account for the second most important category of prostitution, they are all very similar. They generally offer escorts of various nationalities, ages, and types, and of a much higher calibre than that found in many Montreal agencies. The clients are mainly public servants, professionals, businessmen, and well-to-do tourists (generally a fairly demanding group) and these agencies offer services accordingly; the clientele in Montreal agencies tends to be more varied. Some Quebec City agencies specialize in attracting male homosexual clients. As for rates, they are calculated on an hourly basis and an average charge is between \$100 and \$150, not including special services.

There are no massage parlours or dancing clubs in Quebec City itself, but such establishments do exist outside the city limits. Their operations, prices, and services are very similar to those in the Montreal area. Rates vary from \$40 to \$100, depending on the act and the amount of time involved, generally no longer than half an hour.

We discovered in the course of our study that, among female prostitutes, regardless of category, the incidence of drug use, violence, and the significance of procurers was fairly limited, compared with Montreal. However, facilitators in Quebec City are much more prevalent than in any of the other cities studied.

As for homosexual male prostitution, where drug use is widespread, it is practised mainly in certain bars, in many saunas, in some escort agencies (where it is still far exceeded by female prostitution) and, finally, on the Plains of Abraham, weather permitting. In other respects, this form of prostitution is similar to that practised in the other cities.

One other distinguishing feature of prostitution in Quebec City is recruitment through classified ads. Those involved in prostitution consider this a simple, inexpensive, highly effective and indispensable method, because it is a way to reach clients who could not otherwise be reached.

Finally, it would appear that the Quebec City police are not particularly active in combatting prostitution. According to those in the trade, the police are very tolerant or actually indifferent, which can be attributed to the discretion of prostitutes, to effective organization, and to the fact that prostitution does not provoke citizens' complaints.

1.3.3 Trois-Rivières

For whatever reasons, prostitution is relatively insignificant in Trois-Rivières; either it never developed or it is simply an unorganized activity.

There are three categories of prostitution practised in and around Trois-Rivières: street prostitution, practised mainly by young homosexual males; prostitution in bars, which is the most widespread form; and some prostitution in hotels. There is also prostitution in bars featuring female dancers, to an extent unmatched by any of the other cities we studied. This is because most of the dancers involved come from other areas.

With the exception of street prostitution, the varieties offered are practised in almost all parts of the city, and in the surrounding areas, although there is a predilection for sectors where travellers and visitors arrive, depart and are lodged.

One characteristic of Trois-Rivières is that, for the most part, the police forces demonstrate a remarkably tolerant attitude toward prostitution, and this has been the case for many years. As many of those involved told us, "This is an ideal spot!" In fact, the main concern of prostitutes in the area is that their clients are few and are not prepared to pay very high prices.

2. Thematic analysis of target groups

2.1 Prostitutes as individuals

2.1.1 Socio-economic characteristics prior to becoming prostitutes

The average age of the prostitutes we interviewed was 26. The women were 27 on average, and the men were 24.

The areas we cover in this section are delicate ones. They are highly subjective, and we had to rely on memory for some data. In their own views, our respondents were generally raised and educated in modest or poor surroundings. In fact, 54% of 81 respondents considered that they were raised in modest circumstances, while 38% described their backgrounds as very poor. Only 7% said they were from very rich backgrounds. It is interesting to note that there was no significant change in these conditions when the subjects left home, that is, after they became self-sufficient and before prostitution activities began. During that period 50% of our respondents lived in modest circumstances, 33% were poor or very poor, and 16% were well off.

When asked to comment on their happiness during the period before they became independent, the majority of 78 respondents said they were not happy: 58% said they were unhappy or very unhappy; 21% said they were happy; and 13% claimed they did not remember, which suggests that it was not a particularly pleasant time. In general, the transition to independence did not change their situations, and often aggravated it.

In the area of educational background, 69% of 80 respondents indicated that they had started high school, but most had not completed it; 26% had begun college or university courses, and again most had not completed their studies. Finally, 6% of respondents said that they had completed only a few years of primary school.

An important factor in the sociological profile of our respondents, when they are considered as a particular social group, seems to be that their degree of criminal involvement before becoming prostitutes was fairly high, or that they had grown up in family situations where criminality was prevalent, that is, where offences led to charges and convictions. For example, 28 of 77 respondents (36%) had been arrested, while of 35 who responded to another question, 12 indicated that one or more members of their family had already been arrested for at least one offence before the respondent became a prostitute.

Our investigation also seems to support a connection which has already been made with some certainty: many prostitutes were victims of sexual abuse as children. Of 77 respondents, 44% indicated having had forced sexual relations with one or more family members, while 33% of 78 respondents said they had been raped prior to becoming prostitutes. We found in many cases that the respondents' sexual histories played an important role in their becoming prostitutes, and this explains -- according to several respondents -- why there may be a high rate of homosexuality among prostitutes.

Another important point, which we consider symptomatic and very significant, is that of the 78 prostitutes who answered this question, 69% indicated they already had connections with prostitution before becoming prostitutes: 44% said they had friends who were prostitutes; 23% said there were prostitutes in their neighbourhoods; and 15% identified family members as prostitutes.

Finally, we discovered that of 78 respondents, a majority (72%) were drinkers: 24 said they drank a little; 13 were moderate drinkers; 13 were heavy drinkers; and 4 admitted to already having a drinking problem. The same pattern was evident for drug use, as 63% of those questioned were users: 19 used drugs occasionally; 17 were moderate users; 10 were heavy users; and 3 considered themselves drug-dependent.

2.1.2 Introduction to the occupation

On average, our respondents had been prostitutes for 6 years, and 27 individuals (33%) had begun prostituting themselves before age 18, which is the legal age of majority in Quebec. Prostitutes generally enter the occupation at an early age.

We tried to determine with some accuracy the extent to which people choose to become prostitutes or are aware of the serious consequences of entering the trade. Needless to say, this led to some complex conceptual problems. In order to understand the scope and intent of our questions, it is important to appreciate that by "unintentional" we meant a situation where no constraint was imposed by an external agent, and where the subject had no impression of having chosen this path deliberately.

On this basis, 74% of 80 respondents said they became prostitutes intentionally, owing mainly to a strong desire to improve their financial situation (65%).

There were other major or contributing factors, such as the influence of friends (28%), a taste for adventure (19%), or a whole range of combined factors (23%), including a desire to live a marginal existence under the best possible conditions, defiance against family, and satisfaction of unrestrained sexual impulses.

However, one point was clear from these discussions: even when our respondents indicated that the main reason for becoming prostitutes was something other than a desire to improve their finances, a thorough analysis of their remarks always led -- one way or another -- to the question of money. For example, whenever reference was made to a desire for an exciting life with friends who had similar tastes and goals, it was quickly apparent that such a life involved ready access to large sums of money, available to our respondents only through prostitution. To this

extent, we feel we can safely say that most people who become prostitutes intentionally do so almost exclusively for economic reasons.

As for the minority who said they did not intend to become prostitutes (18%), or were forced into the occupation (9%), the reasons given were again financial: 10% referred to a period when they needed money urgently and had to turn to prostitution occasionally, which then became a habit; 8% cited exceptional circumstances, often linked to a depressive phase caused by difficult living conditions; 4% described romantic pressures; and 4% referred to family problems.

We firmly believe that our results in this section point to a well-founded generalization that will be confirmed in the following section.

2.1.3 Advantages and disadvantages of the work

2.1.3.1 Advantages

It comes as no surprise that our 82 respondents to this question were unanimous in considering income as the main advantage of the occupation. Since this is quite self-evident, there is no need for explanations.

The second main advantage, on which 37% of our respondents agreed, was the feeling of freedom associated with the work, which is undeniably linked to the income generated. We should mention here, as a general comment, that when the prostitutes had something positive to say about their occupation, it was usually suggested in comparison with other jobs, which most of them would find very different and very difficult.

The third advantage proffered was the work environment. Thirty-two per cent of respondents found it satisfying and that it offered several benefits. However, we should point out that it was clear from our interviews and from information gathered on the scene that this applies particularly to homosexual prostitutes and to those employed other than on the street and in bars (except for exclusive establishments). There was virtually no mention of a satisfying occupational milieu in the latter categories of prostitution, where -- on the contrary -- the environment is clearly considered unpleasant and difficult.

Finally, 12% of our respondents found it worthwhile to mention a variety of advantages generally considered to be fringe benefits, such as the opportunity to travel at will, no fixed work hours, an alternative lifestyle, and so on.

In spite of these advantages, only 59% of our respondents said they liked the occupation, and again this was only in comparison with other jobs they might have to do. It is worth noting that

of the 20 respondents who said they liked the work, not one would recommend the occupation to his or her children. When we raised this question, the response was a firm, resounding "no". This is understandable, because while prostitution may offer some advantages, it involves many very serious disadvantages, as we shall see.

2.1.3.2 Disadvantages

Prostitution presents many obvious disadvantages, which may vary in number and in seriousness depending on the category of prostitution, and may even vary among individuals in the same category, according to personality traits, work structure, and the clientele involved. We tried to discover the general disadvantages, those affecting all or most prostitutes.

Of the many disadvantages listed, the most serious was the risk to personal safety, based on a variety of factors, as indicated by 51% of our respondents. We should point out that this was a concern mainly of women and of prostitutes working on the street and in bars, other than exclusive bars. The great majority of our respondents in these categories (80%) considered safety a prime concern, while the proportion in the other categories was 18%.

The main risks are rape and assault by clients. For example, of 82 respondents, 35% said they had been assaulted by clients; 60% of those respondents were prostitutes working on the street and in regular bars. Twenty-five prostitutes said they had been raped, four times on average, since entering the trade. One male operator had been raped on three occasions. All these prostitutes were working on the street, and none of the rapes was reported to police because the victims felt sure that the authorities would not act, given their status as prostitutes.

Another disadvantage mentioned was the fear of contracting a sexually-transmitted disease (STD), which 39% of our respondents described as a serious concern. In spite of that percentage, we encountered widespread, obsessive fear in this area. In fact, there was no significant difference in the responses of prostitutes in the various categories. On the other hand, while the great majority of female prostitutes (90%) pointed out that they use a variety of precautions to prevent disease, this was true of only 31% of male prostitutes.

The most popular preventive measure is the use of condoms, which the female operators always supply. Their use is virtually mandatory: 93% of 67 respondents said they refuse clients who do not agree to use condoms, which is apparently very rare. Other precautions include medical check-ups on a more or less regular basis, screening of clients considered dubious, and personal hygiene.

In spite of all this, it would be naïve to think that such constant precautions are for medical reasons. On the contrary, the fear of STDs is closely linked to an interest in good business: if a prostitute contaminates one or more clients, it is very likely that this will become known and that it will affect business. Furthermore, it is not uncommon to find internal controls of STDs imposed. For example, if a prostitute in a massage parlour contaminates a client, her colleagues and employers risk suffering the consequences. Prostitutes also monitor each other, and any operator who is not sufficiently careful would have difficulty continuing to work if colleagues were aware or even suspected that he or she had a sexually-transmitted disease.

We found that 26% of our respondents, mainly street and bar prostitutes, seemed concerned about occupational health hazards. In addition to the many stress factors to which they are constantly subjected, their work hours, poor diet, drug and alcohol consumption (which we will cover later), and many other elements are very hard on their health and are often a great worry. Many of these prostitutes already had serious health problems.

There is a whole range of other disadvantages which can be grouped together as socio-familial problems (marginalization, reaction from family and society) that concerned 33% of our respondents. We should point out that it was mainly prostitutes working other than on the street and in bars who had concerns in this area. Furthermore, it is often to avoid these pitfalls, at the risk of a loss of income and other benefits (such as a loss of occupational freedom), that prostitutes are reluctant to or refuse to recruit on the street and in bars.

2.1.4 Use of alcohol and drugs

An important factor in the private and professional lives of a great many prostitutes (lives which overlap to a large extent) is the key role of drugs and alcohol. The need for intoxicants is demonstrated by the expenses incurred to purchase them. Our results confirm that, as a specific social group, prostitutes are among the highest users of drugs and alcohol.

We should begin by pointing out that 45% of 80 respondents have seen their alcohol use increase significantly since they entered the trade. Drug use increases even more: 58% of 77 respondents pointed this out, noting that their drug use was generally heavy.

We should also add that drug and/or alcohol use is, for many prostitutes, closely linked to the occupation and is often a necessary tool of the trade. For example, 33% of our respondents said they worked under the influence of alcohol, and 47% under the influence of drugs. Many use both, whether simultaneously

or not, and male prostitutes (most of our male respondents were homosexual prostitutes) are more apt to use drugs (69%) than female operators (43%).

In the same vein, we should add that while drug and alcohol use is common among prostitutes generally, it is those who work on the street and in bars who are the heaviest users. For some categories of prostitute, drug and alcohol use is strictly forbidden during working hours (in massage parlours, for example), or is frowned upon or inadvisable, as in the case of certain hotels. Breaking such rules or guidelines would almost certainly precipitate reprisals. Operators in these categories would lose their jobs or be unable to work in certain establishments. They would also risk pressure from colleagues who could be adversely affected by this kind of activity.

It is possible to measure the scope of drug and alcohol use from an estimate of income spent on intoxicants. For example, for 46 respondents, the average percentage of weekly income spent on alcohol was approximately 20%. The percentage of income spent on drugs was 35% for 44 respondents, which can be broken down as follows: 40% for street and bar prostitutes in other categories. These figures should be kept in mind when we discuss prostitutes' potential and actual incomes.

2.1.5 Services offered and rates

There is a wide range of sexual services offered, independent of specific categories of prostitution. The types of acts which prostitutes will perform are based on individual choice, and some operators will refuse to perform acts which they consider particularly disagreeable or dangerous. It is wrong to assume that street operators will "do anything" or that prostitutes in other categories are more discriminating. Overall, individuals of both sexes in all categories will refuse certain acts, while others will agree to them or may even specialize in a particular area. It is important to point out in this context that marginal sexual practices are much more expensive than commonplace acts, and that rates are generally based on the act itself. However, the rate structure varies for each category of prostitution and, in the case of male prostitutes, two factors affect the rates set: their age and their physical attributes. These factors are also important for female operators, but they tend to affect the number and choice of clients more than the rates charged. Given these considerations, prices are generally set on the basis of the following elements: the category of prostitution; the type of sexual act required; and the amount of time required for transaction and delivery, or the amount of time the client desires. In some categories of prostitution, the type of act and the time factor are considered together, while in others only the time factor counts, regardless of the act.

In the case of street and bar operations, with the exception of luxury bars, rates are set on the basis of the act, generally for a 30-minute period. Hourly rates are also offered, but to a lesser extent, and at the client's request. We will base our figures on the rates charged for 30-minute periods. Penetration costs from \$50 to \$60, fellatio from \$30 to \$40, and masturbation from \$20 to \$30. When the latter two acts are performed in a car, the rates are lower and the time factor is shorter. Less common sexual practices, such as anal penetration or domination, cost from \$100 to \$125.

The rate structure in massage parlours is similar to that found on the street and in bars, to the extent that it is also based on the type of act, for 30-minute periods, but prices in massage parlours are slightly higher. Penetration costs from \$75 to \$100, masturbation from \$25 to \$30, and fellatio from \$50 to \$60. Mutual oral-genital relations is generally the same price as penetration. Here again, hourly rates are available if the client prefers.

Prostitutes working for escort agencies generally offer full services, that is, all the following acts: penetration; masturbation; fellatio; cunnilingus; anal penetration; or the fellatio/cunnilingus combination. The rates are always on an hourly basis, from \$100 to \$150 per hour, regardless of the service required. The client must also pay all other costs, such as travel, meals, drinks, and the hotel or motel room.

The rate structures of prostitutes who recruit through classified ads seem to be based on individual criteria set by each operator, and there is nothing particularly significant about them. Some prostitutes will charge hourly rates, while others charge by the act. In some cases flat rates apply for the whole night. It is difficult to determine averages because some prostitutes charge \$100 per hour regardless of the act, while others charge only \$40 for the same service. Still others have rates similar to those charged on the street, for periods ranging from 30 minutes to one hour.

In many luxury bars, rates are charged on an hourly basis or for longer periods, ranging from one night to several days or even weeks, as for example where a client wants company on a trip. Prostitutes who work this way can be selective about their clientele and, while rates are between \$100 and \$300 per hour, it often happens that they receive many gifts such as clothes, jewellery and trips, in addition to their fees. Such prostitutes usually offer all the sexual options, and this kind of flexibility is considered a necessary feature of "high-class" operations.

Finally, as mentioned at the beginning of this chapter, one feature of male prostitution is that the rate structure is affected much less by the category of prostitution than by the age and appearance of the operator. Some male prostitutes refuse

to practise anal penetration, but most agree to it, and rates are from \$40 to \$100. Rates for fellatio and masturbation are from \$15 to \$50.

2.1.6 Gross and net incomes

2.1.6.1 Gross incomes

One tends to assume that an occupation which attracts people mainly for its potential income must in fact offer those who practise it a much better-than-average lifestyle and extraordinary opportunities for savings and investments, especially since prostitutes often have incomes from other sources, such as welfare, unemployment insurance, dancing in clubs, drug trafficking and so on. In fact there is a paradox here because, while many prostitutes have high incomes, few become rich. We will try to explain some reasons for this situation.

In examining this problem we were faced with an incredibly complex set of factors, all inextricably linked. Furthermore, when we tried to broach the subject of income and expenses with prostitutes we encountered resistance and mistrust which were very difficult to overcome.

So many elements affect income that it is impossible to estimate a meaningful average. However, based on 82 respondents from all categories, we found that a factor of 22 separates one extreme of weekly incomes from the other. Focussing on street prostitutes, again on a weekly basis, a factor of 4 separates the two ends of the scale.

Complex as this situation may seem, it is not surprising when one considers that a prostitute's income depends on category, personal attributes, availability, initiative, services offered, and so on.

In order to have some idea of potential incomes and of the differences between categories, we will use as a gauge the incomes of prostitutes working on "the Main" in Montreal.

For a standard work week based on 5 to 7 hours daily, 5 or 6 days per week, a prostitute in this category and sector can easily earn between \$900 and \$1200.

We should point out that, contrary to popular belief, operators in this category and sector are not the lowest earners. Prostitutes working in massage parlours apparently have lower incomes, as do many operators who work in escort agencies and bars, excepting some luxury bars.

This stands to reason, because prostitutes working other than on the street, while undoubtedly interested in the monetary

question, are generally inspired by other motives which they feel can justify lower income, such as personal security, better working conditions, discretion, a better type of client, and so on.

It is also true that many prostitutes put in the same number of hours and the same effort as do street operators, yet earn a great deal more. This is true, for example, of individuals working in exclusive bars or those offering their services or particular options to a captive clientele, such as those who provide "special services", particularly when they have a good reputation.

When assessing the incomes of certain prostitutes it is also important to consider various non-monetary benefits such as gifts in the form of free drugs, clothes, expense-paid travel, and so on.

Finally, there is apparently a discrepancy in incomes to the detriment of homosexual male prostitutes working on the street, when compared with female street operators. On the other hand, it would appear that male homosexuals are the higher earners in other categories.

2.1.6.2 Net incomes

In spite of the high incomes they are presumed to earn, it is important to remember that prostitutes generally have direct and indirect work-related expenses which vary depending on the individual and on the category of prostitution. This was pointed out by 52 of our respondents. We have already mentioned some expenses, such as drugs and alcohol. There are always payments to be made to procurers and facilitators, which will be covered in the following section. We shall restrict ourselves here to listing the main job-related expenses, to assessing their significance, and to determining what net incomes would remain, given what prostitutes might feasibly save.

There is a whole range of possible expenses directly related to prostitution. In general, the most important items are clothes, condoms, and cosmetics. Transportation, furnishing an apartment, and the purchase of pornographic material are others. Some prostitutes pay regular bribes, and 20 of our respondents considered this a significant expense. Finally, some operators pay individuals other than procurers for protection.

While a minority of prostitutes may have considerable funds left after paying these expenses, one characteristic of prostitutes is their passion for spending. It would appear that the great majority of them spend "as fast as the money comes in", as they say in the trade. It is interesting to note in this context that of 82 respondents, only 41 had personal savings, often a few thousand dollars (but usually not more than \$5000), and more

often a few hundred dollars. This explains why many prostitutes lack resources when they try to leave the occupation.

A few individuals do take pains to amass funds, but they constitute such a small minority that they serve only to create myths or to reinforce prejudices, and they do not reflect the actual situation.

2.1.7 Prostitutes' relations with facilitators and procurers

2.1.7.1 Facilitators

We define facilitators as individuals whose main role is to put clients in touch with prostitutes, for a fee, regardless of who pays the fee.

This category involves a multi-faceted sociological and organizational typology. It includes individuals who work occasionally, regularly, or permanently. The activity may supplement their earnings or constitute their entire income. In some cases, in order to be effective, it may require sizable investments; in others, no expense may be involved. The group includes taxi drivers, hotel doormen, the owners of massage parlours and escort agencies, and many diverse individuals.

There is no question that this activity is developing rapidly and that those involved are increasing in number, as prostitution expands and becomes more organized. To this extent, it is clear that the facilitator role is already an important and even indispensable one within the occupation.

At the present time, it would appear that the vast majority of facilitators have one or more other jobs, or other sources of income. This was clear from our study, because of 52 respondents who deal with facilitators, 92% said those individuals had other sources of income.

Apparently, most prostitutes use facilitators, whether occasionally or often. Of 82 respondents to this question, 63% said they recruited their clientele partly through facilitators. It was impossible for us to determine what percentage of all clients was referred by facilitators.

The use of facilitators is strictly voluntary. We discovered from our interviews and information gathered in the milieu that almost all the prostitutes who use facilitators are very satisfied with the arrangement, seeing mainly advantages in this system.

One advantage is easy access to clients who already know the services offered, prices charged, and other conditions. This minimizes inconvenience and the chance of unpleasant surprises,

which facilitators have a vested interest in preventing. Another advantage frequently listed is that prostitutes very rarely have problems when they decide to stop using a facilitator.

There are some disadvantages, but they are negligible. They include the fact that if clients referred by facilitators are not treated well, the facilitator might be tempted to stop making referrals to a particular operator, or to give that prostitute a bad name, which would usually not have very serious consequences anyway. However, it goes without saying that when a facilitator is dissatisfied with the services of a prostitute in his or her employ, the facilitator -- like any employer -- is in a position to take the necessary steps.

Finally, another advantage for prostitutes is that facilitators are usually paid by the client, except for those who run businesses and have prostitute-employees. If in fact the prostitute pays the fee, it is approximately 15% to 20% per client, which is considered reasonable.

Facilitators who have prostitutes as employees receive between 40% and 60% of the income generated, which prostitutes consider acceptable, given the advantages they enjoy.

2.1.7.2 Procurers

In the world of prostitution, procurers are a breed particularly hated by female operators. Male prostitutes are generally not affected. Procurers are defined as individuals who not only live on the avails of prostitution, but also control and manage prostitutes, although they do not have a regular company or place of business. They usually control one or more women, who are more or less slaves to the procurer.

It would appear from our study, contrary to popular opinion, that only a minority of prostitutes have procurers. Such women are frowned upon by their fellow-workers, who express sympathy, contempt, and even hatred for them. Since they are generally looked down upon for it, prostitutes working under procurers hide the fact as best they can; otherwise, they risk being excluded from work groups and losing certain clients. An indication of the disgust procurers inspire is reflected in the fact that 28 female prostitutes questioned were unanimous in responding that current legislation governing procurers is not harsh enough and that no law would ever be sufficiently harsh for them.

Consequently, this was a delicate subject to broach with those prostitutes who have procurers. Since a surprising number of our respondents (20) work or had worked for procurers, we were able to paint a fairly accurate picture of the relationships between the women and procurers. We should point out that these women represent only 29% of all the female operators we

interviewed, which invalidates the rumour that most female prostitutes work for a procurer.

Our respondents can be divided into two groups on the basis of the type of relationship they have with their procurers.

Nine of our respondents had relationships with their procurer which they described as romantic, while 10 women identified strictly business relationships. One respondent was ambiguous in her reply, describing relations with her procurer as friendly.

Of those respondents who had romantic relationships with their procurers, 5 became prostitutes after falling in love, and with the consent of their partner, if not at his suggestion. The others in this group, with one exception, began to work for the procurer after falling in love with him, when they were already prostitutes.

We consider this important, because it confirms that one recruitment method favoured by procurers is to cultivate a sentimental attachment on the part of prostitutes or other women. Although this method takes time, procurers find it offers major advantages because prostitutes recruited this way remain with their procurer for long periods, are very submissive and obedient, and take great pains to please "their man", who is able to manipulate them at will and who usually receives a huge share of their gains. Our respondents said this amount varies from 80% to 90%, although part of it might be returned to the women in the form of gifts, clothes, and so on. Needless to say, the attitude of prostitutes who are in love can also be explained by the fact that the procurer in question has very few prostitutes working for him, usually two or three or even one, so he is better able to supervise and to discipline them.

As for prostitutes who have strictly business relations with their procurers, either they approached the procurer themselves -- which appears to be quite rare -- or they were approached by the procurer, directly or indirectly. We should point out that this type of procurer often has a large team of women working for him, (from 6 to 15 for example), and that the share of income which the prostitutes hand over is between 40% and 60%, none of which is returned to them.

The prostitutes who approach procurers include novices to the trade or newcomers to a city or sector, and women who suddenly decide that working for a procurer would be safer in spite of all the disadvantages, as a result of an unpleasant experience working alone, or of other concerns.

It is increasingly common to find women who have a procurer recruiting other women for that individual. This was often the case among the prostitutes who were approached by a procurer. The tactic is now necessary because procurers have developed such

bad reputations among female operators. However, even where the procurer recruits personally, the recruitment criteria and the persuasive tactics used are generally the same.

A new recruit, who is chosen with care, is typically a vulnerable woman who has no support or contacts in the environment, and who feels very insecure. She is persuaded to join the procurer's team either by threats, by the advantages promised, or by the offer of free drugs. In the first instance, she is usually threatened with physical attacks if she continues to work in a sector or area without the permission of the procurer who has charge of the territory, and such permission is granted only if she pays a certain fee. In the second instance, the prostitute is persuaded that she will have more clients, that she will be protected, and so on. In the third case the prostitute gradually becomes dependent on hard drugs, which are provided free of charge until a drug habit forms.

Before we continue, we would like to sketch a picture, from the perspective of female prostitutes, of the theoretical obligations and responsibilities of procurers to their prostitutes, and vice versa.

According to 14 of 44 female respondents, the main duty of a procurer is to ensure the protection of prostitutes in his service. The second main function, listed by 12 respondents, is to provide clients. Ten of our respondents said procurers were also responsible for setting prices, while 8 mentioned other duties such as legal and financial support in case of arrest, fines, or imprisonment.

The main obligations of prostitutes to their procurers are, first (according to 18 of the 41 individuals who replied to the question) to respect financial agreements, followed by the need to obey professional guidelines (11 respondents), and to obey even in private life (8 respondents).

It would appear that prostitutes generally respect the agreements faithfully and easily, particularly those who are in love with their procurers. However, nearly all our respondents pointed out that they have no choice but to comply, and that there is no room for negotiation.

The same situation does not apply to the procurers. On the contrary, 13 of our respondents said they were not or had not been satisfied with their procurers, while 4 said they were or had been more or less satisfied; only 3 said they were satisfied.

This is understandable, because there is virtually no pressure a prostitute can exert if the procurer does not keep his part of the agreement. In general, the women have no leverage whatsoever, while the procurer has very effective means of pressuring and monitoring his prostitutes.

Violence seems to be the main enforcement method used, according to our subjects. Of the 18 respondents to this question, 16 women indicated that their procurer had used violence against them. In response to a complementary question, 10 out of 16 respondents said they had often been victims of violence on the part of their procurer, while 3 indicated that violence was a common occurrence. Procurers appear to favour terror tactics to inculcate obedience.

Procurers have such a strong hold over prostitutes that only 6 of our respondents said they were or would be able to leave their procurers easily, which was sometimes related to the fact that they were not particularly useful to him or that the procurer wanted to replace them. In the other cases, leaving a procurer was often seen as a difficult and dangerous undertaking, involving the support of individuals able to restrain the procurer. It might also require courage and risk-taking, moving to another city and changing occupations.

Our study revealed that procurers are generally parasites who exploit women ruthlessly, using odious means such as manipulation, terror, and violence.

2.1.8 Prostitutes and the law

Since prostitutes work illegally, often in difficult conditions, legal status is a prime concern and a constant worry for most if not all operators, even where social control methods are ineffective. It is worth noting that 22 of our respondents had already been arrested for prostitution, resulting in fines and sometimes in jail terms.

We should open this section by pointing out that it is mainly prostitutes working on the street and in bars, and to a lesser degree, those employed in massage parlours and escort agencies who are particularly concerned with the legislation affecting them. This is understandable and quite justifiable, because these are the most heavily controlled categories of prostitution. For example, 17 of our 22 respondents who had been arrested for prostitution were working on the street and in bars.

On the other hand, certain prostitutes are not at all concerned with their current or potential legal status. "High-class" prostitutes are the best example of this group. Other operators are interested in this question for various reasons, even though social controls do not pose a threat. Often they are concerned with the social role they fulfil, or they would like to see a particular form of social control implemented which would greatly improve their working conditions.

Since prostitutes usually see social control in terms of the police, who play a major role in enforcing prostitution laws, we tried to find out how prostitutes view the police.

Of the 69 respondents to this question, 38% described the attitude of police toward them as tolerant, particularly in the last few years; some even referred to a friendly approach by police. Needless to say, the tolerant attitudes described can be explained in part by the fact that some prostitutes have never had any direct contact with police, while others always deal with the same officers. Their assessment of the police depends on personal experiences with officers, whether good or bad.

Negative judgments are also common; 27% of our respondents found the police either arrogant or contemptuous, and 18% of respondents complained of systematic harassment by police forces. We should also point out that homosexual male prostitutes generally feel they are victims of discrimination.

Current legislation was satisfactory to only 11% of the 80 respondents to this question. Generally, it is considered outdated and useless. It is seen to create more problems than it solves and to fail to take into account the necessary social role of prostitutes.

Consequently, 73% of 78 respondents expressed a strong desire to see the current legislation amended, while the others were indifferent to the question.

We wanted to know what changes prostitutes would like to see or would consider possible, and what form such changes should take, that is, decriminalization or legalization of prostitution.

Of the 60 respondents who answered this question, 58% favoured legalization. It was mainly operators working in massage parlours, escort agencies, on the street, and in bars who supported this position. From their perspective, legalization of the occupation would improve their working conditions directly and immediately, would reduce significantly the risks involved, and would offer them career opportunities. They also cited recognition of the need for prostitutes in our society, a change in social status, and access to social benefits which they are currently denied, such as unemployment insurance, sick pay, vacation pay, and the opportunity to borrow from financial institutions on the basis of their jobs.

Those who favoured decriminalization were mainly the prostitutes who enjoy excellent working conditions and high incomes, that is, the "high-class" operators. Such a change would allow them to continue practising their trade under present conditions, without their being subjected to the regulations and responsibilities that legalization would entail, such as payment of income tax.

We wanted to know whether prostitutes would respect the law if prostitution were legalized. We found that they were not entirely committed to respecting it: of 78 respondents, only

56% said they would definitely respect the law; 36% were unsure; and the others stated that they would not respect it. As far as the latter two groups are concerned, it would appear that their attitudes would depend on the provisions and application of such legislation.

2.1.9 Mobility outside the city

A minority of prostitutes in all categories sometimes leave the city where they work to operate elsewhere. Of 82 respondents questioned, 34 said they occasionally work elsewhere. They gave various reasons for their mobility, but the most common answer for all categories was the need for a change for various personal reasons, and the need to continue to earn a living under the best possible conditions. In some cases, personal preferences and economic necessities could be combined. However, specific reasons were given for each category of prostitution, and the frequency of trips and the distances involved also depended on the category of operator.

Prostitutes who work on the street and in bars may work out of town rarely or sporadically. Those who travel regularly are mainly nude dancers (male or female) who work as prostitutes regularly or occasionally, and for whom travel is part of their job as dancers. Others travel for various reasons: to earn extra money in locations where demand exceeds supply; to "disappear" for a certain period, owing to a risky legal situation or to threats to physical security; to accompany other prostitutes on planned working vacations; to comply with the decision of a procurer who decides to move his girls for security reasons, as necessary; and so on. Finally, some prostitutes travel to take advantage of increased clientele at special events in other cities, such as the Quebec City Carnival, certain major conferences, or sporting events. Quebec City is an especially popular destination for Montreal operators, and vice versa, but prostitutes travel to all regions of the province to some degree, more or less equally. The provinces our respondents mentioned most often were, in decreasing order of importance, Ontario, Alberta, British Columbia, and New Brunswick. The favoured Ontario cities are Ottawa, Toronto, Niagara Falls, North Bay, and Timmins. Edmonton and Calgary were mentioned for Alberta, and Vancouver was the key city in British Columbia. We have no specific information on New Brunswick. Travel outside the country is usually to the United States, particularly Florida. Two interrelated factors serve to explain the popularity of Florida: first, the large number of Quebecers who winter there, representing a significant clientele; and second, an opportunity for the prostitutes to have a working winter vacation.

Prostitutes who work in massage parlours tend to be much less mobile; those who travel do so within a fairly limited geographical area. The reason for this is simple: work in massage

parlours is fairly stable and there is low staff turnover. Furthermore, most of these massage parlours are located on the outskirts of Montreal, so any travel would be over short distances within that general area. However, some respondents mentioned occasional travel to massage parlours in the Toronto region.

The prostitutes who travel most often and farthest are naturally the "high-class" operators, since their financial resources allow them to travel at will, often for personal reasons. Their clients often travel regularly and may wish to be accompanied or joined by prostitutes. In such cases, the client pays all travel, accommodation, and related expenses. When such prostitutes work outside the province it is usually in Toronto or, in the case of the United States, mainly in New York, Chicago, and Boston. Some also travel to Europe. Since "high-class" prostitutes generally work in large hotels, they have their own particular mobility pattern. They travel both within the province and to other provinces (usually Ontario and British Columbia), but -- and this is worth noting -- they work almost exclusively within one hotel chain as a result of agreements with hotel authorities or, in some cases, agreements between different hotel authorities.

We were unable to examine the mobility of prostitutes working in escort agencies because we did not have enough respondents in that group. However, we assume that their mobility patterns are very similar to those of prostitutes working in massage parlours, in terms of frequency and reasons for travel.

2.2 Clients

The most important specific group in the world of prostitution is the clientele. The whole activity is organized around the clients, and the other groups involved operate in relation to clientele.

Since clients are so strategically important, it was essential that we have data and information on who they are, what motivates them, and how they see themselves.

2.2.1 Socio-economic profile of the clientele

Considering clients from a strictly economic standpoint, we can safely say that they are individuals with higher-than-average incomes. In fact, 19 of our 33 respondents had incomes of between \$20,000 and \$40,000 and 6 had incomes exceeding \$40,000. These figures are in line with information obtained from prostitutes. Of 82 respondents, 96% said their clientele had either average incomes (57%) -- which is obviously a nebulous concept -- or were rich (39%).

However we should point out that, porportionally, there are more economically advantaged clients among the prostitutes who do not work on the street or in bars. At least this is what transpired from our discussions with the prostitutes, because 73% of our respondents in this category said their clients were average earners, while 64% of our respondents working in other categories of prostitution said their clients were rich. This data was also confirmed by our interviews with clients and facilitators. The clients of male prostitutes also seem to have superior incomes, which is undoubtedly related to the fact that many of them are single.

According to the information supplied by all our groups, clients are almost exclusively male, are generally married, and are usually between 35 and 45 years old. They can be divided almost equally along two lines: those with a high school education and those who have been to university. There were no significant differences in educational background among the clients of various categories of prostitutes.

Finally, it seems appropriate to mention here that, in general, prostitutes' clients are consumers of pornographic material of various types, such as books and magazines, nude shows, and so on. This is even more evident among the clients of homosexual operators. Our discussions with prostitutes and facilitators confirmed this finding. However, based on the information we acquired, there is no apparent causal link between their use of pornographic material and the fact that they frequent prostitutes.

2.2.2 Clients and prostitutes

Of the 33 clients we met and interviewed, 13 visit prostitutes on a weekly basis, and 13 on a monthly basis. Overall, they were very satisfied with the services obtained, which they consider necessities, for a variety of reasons. Clients who are particularly satisfied with a prostitute tend to become regular customers, as was confirmed in our discussions with the prostitutes. Of 82 questioned, 30% indicated having fewer than 20% of their clients as regular customers, and 26% said that between 20% and 40% of their clientele were regular customers, while 34% said that between 40% and 60% of their clients were regulars.

The main reason given for frequenting prostitutes, by far, was for a brief, uncomplicated sexual encounter, according to 24 of our respondents. This was confirmed by our prostitute-respondents, 79% of whom agreed with this interpretation.

The theory of shyness or difficulty seducing a non-prostitute partner seems to be much less relevant. Only 3 of our client-respondents recognized that they frequented prostitutes for these reasons. The prostitutes we interviewed pointed out that only

27% of clients used their services because of such behavioural deficiencies.

Another major reason given for visiting prostitutes was an unsatisfactory sexual relationship with the client's regular partner. This opinion was expressed by 45% of our prostitute-respondents. We were unable to confirm this specifically among the clients, but many of them were undoubtedly embarrassed about this particular subject.

Another reason why clients use prostitutes' services is for the satisfaction of so-called special needs, that is, services other than those usually asked for (coitus, masturbation, fellatio, sodomy), which are surprising in their diversity. Seven of the clients interviewed said this was their sole motivation, and 44% of the prostitutes who responded said this was a very significant motivating factor. Needless to say, this aspect of prostitution justifies and legitimizes its existence for many people.

There are many other diverse factors which motivate certain individuals to use prostitutes' services. They include a taste for the exotic, the possibility of overcoming a physical handicap, the opportunity to play a dominant role, and so on.

With this in mind, we might add that while prostitutes frequently have problems with their customers, the clients also have occasion to complain. In fact, 15 of our client-respondents described deplorable experiences with prostitutes. Of these, 6 said they had contracted sexually-transmitted diseases, which was all the more unfortunate in the case of 4 who were married.

Theft was the second most common unpleasant experience, referred to by 4 of our respondents. In two cases violence was involved and the prostitute was assisted by accomplices to the crime. These respondents felt that it is mainly customers who solicit prostitutes in bars and on the street who face such risks.

Finally, 5 of our client-respondents described a variety of unfortunate experiences, from amounts paid for services which were not delivered or not delivered properly, to a substantial and unjustifiable increase in rates, to the discovery that the chosen prostitute was a transvestite.

2.2.3 Clients and the law

It is interesting to note that, compared with our other target groups, the clients had little knowledge, or a poor understanding, of the relevant legislation. Four of our respondents said they did not know what legislation governed prostitution, and 18 said that they were familiar with it, but many said so after much hesitation. This seems to confirm the conviction of many prostitutes that there are two kinds of law: one for prostitutes

and one for clients. Only 2 of our client-respondents had been arrested, and all our respondents said the risk of arrest is negligible. Clients generally feel confident about this.

When we asked our client-respondents if they considered it fair that they could be charged as clients, the majority of them were very surprised at our question and, with one exception, they all said "no" very emphatically.

When we asked about their appraisal of current legislation and possible changes to it, 3 chose the status quo, 10 favoured decriminalization, and 18 wanted to see prostitution legalized.

Those who supported legalization felt that it would not only help improve the general condition of prostitutes, but also that it would improve their own situations by eliminating the risk of contracting sexually-transmitted diseases. They believed it would also have a direct impact on the type of operations which would become available: there would be a great many new recruits, which would affect rates charged and the quality of services provided.

Those who favoured decriminalization felt that no individual or agency has the right to intervene in what is a perfectly legitimate business transaction between consenting adults. In other words, the fact that the transaction involves sexual services in no way affects its nature or its legitimacy. It is important to note here that, in general, these clients use the services of prostitutes who do not operate on the street or in bars. This is significant because, often, these other categories of prostitution include the regulations and standards which supporters of legalization would like to see included in any legislation.

2.3 Facilitators

We interviewed 15 facilitators, including one woman. Their average age was 39, and 11 had been working in this capacity for 8 years. With the exception of our female respondent, who was a full-time keeper of a common bawdy-house, our respondents all had other jobs from which they derived their main source of income.

In spite of the extreme diversity in our respondents' occupations (bartender, maître d'hôtel, waiter, discotheque manager, owner of a "tourist room", and so on), one characteristic was common to them all: their occupation (other than as a facilitator) involved working with the public. Their access to the public and the constant turnover mean they are always in contact with many potential clients for prostitutes.

This is important because it appears that many people become facilitators as a result of repeated and more or less pressing requests from clients. Often they see this as a way to do

favours for good clients of their regular business. Needless to say, the situation is different for the owner of a massage parlour or a "tourist room", where potential profit is the sole incentive. We must therefore distinguish between two categories of facilitators: the larger group, for whom the activity is a secondary occupation, who easily derive a substantial but supplementary income from it and who are involved for reasons other than just the direct profits; and the others, in the minority, who establish or run a business closely linked to their occupation as a facilitator, which may require making substantial investments and taking risks to profit from their facilitator role.

This distinction is even more important if we consider the implications. "Occasional" facilitators rarely take the initiative in recruiting clients and they are not usually concerned with rates. The clients approach them and, once contact with the prostitute has been made, the client discusses rates directly. On the other hand, "regular" facilitators usually take the initiative with the potential client and are often involved in setting rates.

Furthermore, facilitators in the first group are almost always paid by the clients, while those in the second are paid by the prostitutes. We should add that facilitators sometimes receive a fee both from the prostitute and from the client, as with some escort agencies.

The distinction we have proposed between groups of facilitators has another significance, since belonging to one or the other category seems to determine the income collected per transaction. Regardless of whether they are paid by the client, occasional facilitators collect from 20% to 40% of the rate charged per transaction, while regular facilitators receive from 40% to 60% of the rate charged for any given sexual service, which they consider reasonable in view of the risks they take, the facilities they provide for the prostitutes with whom they deal and, finally, the role they play in recruiting clients.

It seems plausible to suggest that a consequence of this situation, as noted earlier, is that relations between prostitutes and facilitators do not seem to generate any tension or serious conflicts. Most facilitators already know the clients they refer, and they always know and trust the prostitutes to whom they make referrals. The clients referred are familiar with the services available and rates charged. It would appear then that relations between facilitators, prostitutes, and clients are based on mutual trust and respect. This situation is maintained and reinforced because none of the parties has an interest in deceiving his partners. A facilitator who refers bad clients or advertises unprofessional prostitutes would see his income, potential clients, and referrals decline, which any facilitator would try to avoid.

We found that facilitators' incomes vary a great deal. Although we have little specific information on this, we determined that taxi drivers and bartenders (common occupations among occasional facilitators) earn less than \$5000 annually from the activity, while regular facilitators earn well over \$25,000. As for other part-time facilitators, their earnings from facilitating depend on their regular jobs. For example, one discotheque manager told us that he earns between \$5000 and \$10,000 as a facilitator, while a maître d'hôtel said he earns between \$10,000 and \$15,000.

We should also point out that whether facilitators work occasionally or regularly, they are generally associated with 5 to 10 prostitutes. Some may work with more operators, and some with fewer.

With the exception of those who have a business, facilitators do not seem at all concerned about the police. Of all our respondents, the only ones who had been arrested were the owner of a "tourist room" and the keeper of a common bawdy-house, and they received fines and jail terms. We should also point out that none of our respondents mentioned having had to change his or her business practices or operations in the last five years.

Not surprisingly, most of our respondents favoured the status quo as a legislative option; only 4 preferred decriminalization. Legalization was the chosen option for 3 respondents. We should add that regular facilitators generally seem to favour legalization.

2.4 Procurers

Since procurers are so difficult to approach and so reluctant to discuss their activities, it is surprising that we found 5 respondents in this group. Most procurers come from deprived backgrounds and have had little formal education. Those we interviewed had experienced various standards of living, ranging from poverty to affluence, immediately prior to becoming procurers. However, one important denominator is common to them: they had all been charged with various offences, such as assault, theft, or drug trafficking. Having grown up in environments where criminal activity was common, they easily made the transition to procuring, since all the necessary conditions were present: familiarity with the "scene" and those involved in it, acceptance of violence as a way of life, and access to drugs. We will reconsider these points briefly later. According to our information, our respondents are very representative of their group as far as the criminal profile is concerned.

The reasons given for becoming procurers were strictly financial. The activity allows them to earn substantial sums of money

quickly. They have no investment to make, unlike the owners of massage parlours, or female prostitutes, whose incomes are considerably reduced by the expenses associated with their work. Procurers have no overhead and their job is relatively easy. Once they have recruited prostitutes, there are virtually no obligations to fulfil. The recruitment methods mentioned by the procurers correspond to those described by prostitutes. This is also true of the duties and responsibilities which procurers claim to assume. All our respondents said their main duty was to provide prostitutes with physical protection during working hours. They listed their other responsibilities, in descending order of importance, as: supplying clients; setting rates; and providing legal assistance. However, there was a notable discrepancy between the responsibilities assumed in theory and those upheld in practice. The female prostitutes we consulted were very outspoken on this subject. The high incidence of physical violence they suffered, both from clients and from the procurers themselves, belies the protection role. As for supplying the women with clients, this seems to be very rare and haphazard because in fact nearly all prostitutes find their clients by themselves or through facilitators.

As far as legal assistance is concerned, we can safely say it is non-existent, for the following reasons. If procurers are disliked in their own environment, they are even less popular with police forces and judicial authorities, who are very hostile toward them. Procurers are well aware of this hostility, so they have an interest in keeping a low profile. Furthermore, when a prostitute has been arrested on several occasions, she becomes a potential liability for a procurer and he is more likely to try to rid himself of her than to assist her. We might add that of the 20 women we interviewed who had a procurer or had worked with one in the past, only one mentioned legal assistance as a responsibility her procurer has taken on.

Some clarification seems called for in the area of setting rates. Generally speaking, female prostitutes say that the procurer usually determines the daily or weekly sum they must pay him, which is not negotiable. The women are warned in no uncertain terms of the consequences if such "agreements" are not respected. The procurers we questioned all said that the primary obligation of prostitutes working for them was to meet financial agreements and to obey professional rules of conduct. The concept of obedience was a very flexible one; half of our respondents extended it to the women's private lives. They also indicated that they demand sexual favours for themselves and sometimes for their friends. The prostitutes we consulted confirmed this unequivocally. As for the percentages procurers receive from prostitutes' incomes, the men said they ask for between 40% and 70%. The prostitutes consulted said that while those who hand over 90% or 100% of their earnings to procurers are a minority, they are far from being exceptions to the rule.

Given the taboo surrounding the whole question of procurers, it was impossible for us to obtain detailed information about their

incomes or the number of prostitutes they manage. The majority of our respondents said they have from 1 to 4 prostitutes. One man said he had more than 4 women working for him, and another said he had more than 8. We can speculate that these figures are significantly lower than is actually the case. According to the women we interviewed, the procurers who manage from 4 to 8 prostitutes are in the majority, and many procurers control more than 10 prostitutes. Only a minority manage 1 or 2 women. As far as income is concerned, 2 respondents said they earn approximately \$15,000 annually, and 2 others said \$25,000. The fifth respondent said he earned at least \$50,000. There is no doubt that the more prostitutes a procurer has working for him, and the higher the share of income he demands, the more he will earn. It is therefore more than likely that many procurers have incomes of well over \$50,000. Furthermore, these incomes are supplemented by gains from other activities, such as drug trafficking and retailing, theft, receiving stolen goods, and so on. Some procurers have legal occupations as well; one of our respondents owns a tavern.

On average, our respondents had been working as procurers for 8 years. When asked to describe the relationships they have with the prostitutes who work for them, the responses varied. Two described the relationships as friendly, two as romantic, and one as a business relationship. However, their comments generally reflected unmitigated contempt for the women. It is not uncommon to hear procurers say that "a person would have to be deprived to work as a prostitute".

All our respondents said they have complete freedom as procurers, which obviously places them in a comfortable position, in relation not only to prostitutes but also to facilitators who, as the owners of massage parlours or escort agencies, must sometimes answer to their clients or to police. The only possible concern for procurers is police harassment. Procurers see the police as a serious threat, even though they do not appear to be very affected by police action. In fact, none of our respondents had been arrested for his activities over the past five years. When asked to describe the police's attitude toward them, procurers said the police were tolerant, as often as not. The police who commented on this expressed great hostility toward procurers and their activities. The discrepancy between the attitude of police and the responses of procurers is striking.

Unlike our other target groups, procurers have no interest in seeing prostitution legalized. In fact, to the extent that it would mean government intervention in this area, procurers oppose and fear legalization, since it would certainly jeopardize their positions. The majority of our respondents said they favoured the status quo or decriminalization. Two saw legalization as a viable option provided that it would not put them out of business and that it would provide them with an opportunity to "retrain" as managers or administrators of prostitutes or of common bawdy-houses.

CONCLUSION

In closing this section we would like to review a number of points which came to light from our research.

- It is difficult, but not impossible, to conduct an empirical study of prostitution and to obtain co-operation from those in the milieu. We found 135 respondents willing to participate, including 82 prostitutes, 33 clients, 6* procurers, and 14 facilitators.
- There are numerous forms of prostitution, including street operations, individual solicitation through classified advertising, and services offered through all kinds of studios and agencies.
- Most prostitutes come from unhappy family backgrounds and poor environments. Compared with the general population, a significant proportion of prostitutes have been victims of incest and/or rape, come from criminal environments, and had been arrested for other offences prior to becoming prostitutes. A third of those consulted had begun prostituting themselves while minors.
- The great majority of prostitutes questioned were not forced to become prostitutes but practised the trade voluntarily, almost exclusively for financial reasons. Most had some knowledge of the milieu before entering the trade.
- While prostitution offers several advantages (high income, sense of freedom, and so on), it also involves serious disadvantages, particularly the threat of violence. Many prostitutes questioned had been attacked by clients or procurers. Several had been raped, sometimes more than once. Furthermore, the occupation leads to a dramatic increase in drug and alcohol use. For many prostitutes, the use of intoxicants is essential while they are working.
- Although a majority of prostitutes said they liked their work, none of those questioned would recommend it to their children, which suggests they are not entirely happy with the job.
- The range of services that are offered varies, but most prostitutes have reservations about particular acts. The rates charged depend on the service requested and on the category of prostitution. Generally, prices are comparable, for reasons of competition.

* Figure inconsistent in French. See page 138 -- Tr.

- It was very difficult to determine the income of our respondents, because they were so reticent to discuss this and because there are so many individual variations even within a particular category. We should also point out that, with the exception of street prostitutes, we had too few respondents in the other categories to make a valid estimate. However, we determined that prostitutes working on "the Main" earn from \$900 to \$1200 for a normal week's work.
- Prostitutes have very high expenses directly related to their work, including supplies of drugs and alcohol. Moreover, they tend to spend their earnings immediately, which explains why they have little savings.
- Clients are usually married middle-aged men. Nearly half of them probably have an unsatisfactory sexual relationship with their spouse. Most are seeking a brief, uncomplicated sexual encounter. However, a significant number also seek special services. Overall, the clients we interviewed seemed pleased with the services they had received. Finally, clients would not welcome legislation which could incriminate them.
- Prostitutes work with several facilitators, who generally have another occupation involving the public. These facilitators included, on the one hand, the owners of various agencies and, on the other, taxi drivers, who naturally receive different shares of the profits. Their incomes ranged from \$5,000 to more than \$25,000 annually.
- Only a minority of prostitutes work for a procurer, who not only lives on the avails of their prostitution but also controls the women in other ways. Love plays an important role in the relationships between prostitutes and procurers, but nearly all prostitutes have been victims of violence perpetrated by their procurer.
- The procurers questioned had all been involved in criminal activities other than procuring. Their incomes are very high, ranging from \$15,000 to more than \$50,000 annually, and they generally control more than one female prostitute. They describe their job as being mainly the recruitment of clients, the protection of prostitutes, and the setting of rates.
- A minority of prostitutes have been arrested for prostitution, and most of those arrested were street operators. The visibility of their activities and the possibilities for legal action are the main reasons for this situation.
- In the area of legislative change, the great majority of prostitutes consulted favour legalization. This is seen as a way to improve their working conditions. The majority of clients also favour this option, seeing in it better protection against sexually-transmitted diseases and greater choice among prostitutes. The facilitators and procurers questioned fear additional controls and favour either the status quo or decriminalization.

GENERAL CONCLUSION

One significant fact emerges as a clear conclusion of our study: prostitution cannot be treated as one uniform activity, but must be seen as a fragmented, multi-faceted phenomenon. To this extent, it would be more accurate to refer to varieties of prostitution.

This fact must never be overlooked or underestimated. If we failed to take into account the consequences of this diversity and the analytical constraints it imposes, the whole study would be based on incomplete, biased, and therefore unacceptable information.

While there are many sides to prostitution, and many complex factors involved, one fundamental connection links everyone in the trade. That connection is economic: individuals prostitute themselves for money; people work as facilitators and procurers for the profits; and clients use prostitutes' services because they have the financial resources to satisfy their desires. To this extent we can say that prostitution is essentially an economic activity with its own governing laws, the most important of which is the law of supply and demand.

We have said that prostitution is basically an economic activity. Clearly, there are non-economic factors involved as well, which we must examine to understand prostitutes as individuals. Those who prostitute themselves do so for money, but they may also be in the trade because they lack job skills, have criminal records, or are marked by unpleasant sexual experiences. Factors such as these which may lead individuals into prostitution are not in themselves economic, although they may stem from particular economic conditions. Individuals resort to prostitution because, for whatever reasons, they believe they have no alternatives and because their backgrounds or present circumstances drive them into the occupation.

There is no question that prostitution pays well. Prostitutes earn good incomes, as do the procurers and facilitators whose activities are superimposed on those of prostitutes. Yet prostitutes usually have very little to show for their work at the end of the month or at the end of their careers. They have very high incomes, but they also have considerable expenses. Their working and living conditions are so difficult that their earnings are very different in nature from those of most members of society. Prostitutes work for money, which they spend as soon as they earn.

Prostitution is not an enviable job. Prostitutes usually retire in poor health, marked for the rest of their lives, with no future or resources. Their past hangs over their heads and may have painful consequences for them.

Prostitutes are well aware of these facts, yet they are often unwilling or unable to leave the occupation. Although prostitution activities are illegal, they are very difficult to control. The police must constantly renew their enforcement efforts. As no changes are forecast, this can be demoralizing. However, the occupation is so unpleasant that, increasingly, prostitutes are looking for compassion and assistance, even if this takes the form of criticism of their lifestyle, legislative amendments, or municipal action.

This is where the conflict arises. Social control agents would like to see prostitution criminalized, which would make their job a great deal easier. On the other hand, those who would be most affected by legislative changes -- the prostitutes themselves -- favour legalization, which they hope would mean improvements in their working and living conditions. They are supported in their views by many facilitators and some clients, who would like to see assistance for prostitutes because this would improve service and alter their own status. Other individuals in these two groups favoured decriminalization.

Prostitution is a complex activity which leads to many social problems. It calls for equally complex social solutions.

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APPENDIX 1

FILE NUMBER: DSS 12ST.19200-3-0944

Job Description

Purpose

This study is designed to produce a detailed analysis of prostitution in the following Quebec cities: Montreal; Sherbrooke; Quebec City; and Trois-Rivières.

Main duties

The contractor is familiar with the following requirements and will

1. work in close co-operation with the departmental representatives
2. ensure that his or her efforts are co-ordinated with those of other researchers to obtain comparable data
3. work in close co-operation with local authorities where the study will be conducted
4. collect and analyse the data listed below.
 - a) a detailed description of prostitution as an occupation and a business, and of related activities
 - b) a detailed description of those individuals who practice, support, encourage or facilitate prostitution, particularly prostitutes, clients, procurers, and other facilitators
 - c) a detailed description of recent efforts toward social control in the localities under study.
5. With a view to acquiring the data mentioned in point 4, interviews will be conducted with as many prostitutes, clients, procurers and other facilitators as can be identified and as have agreed to co-operate, in each of the localities under study. The number of individuals contacted and interviewed and their socio-demographic characteristics will be discussed in the report.
6. With a view to acquiring the data mentioned in point 4, the texts of municipal by-laws or other acts designed to control prostitution, the policies of the municipalities and police forces involved, and the views of police on prostitution, as well as their relevant law enforcement activities, will be collected and included in the report.

7. The contractor will submit an initial provisional report on or before March 2, 1984. This report will
 - a) identify the research assistants
 - b) briefly describe the work accomplished to date and
 - c) describe the problems encountered.
8. The contractor will submit a second provisional report on or before March 30, 1984. This report will
 - a) briefly describe the work accomplished to date
 - b) describe the problems encountered and
 - c) summarize available data, where applicable.
9. The contractor will submit a third provisional report on or before April 30, 1984. This report will have the same format as the previous one.
10. The contractor will submit a fourth provisional report on or before May 30, 1984. This report will have the same format as the previous one.
11. The contractor will submit a final report on or before June 30, 1984. This report will include
 - a) a detailed description of the methodology used
 - b) a detailed description of the population studied
 - c) a detailed description of the results obtained and
 - d) an analysis of the data collected, pointing out characteristics of prostitution in the localities studied and the impact of control efforts, where applicable.

APPENDIX 2

QUESTIONNAIRE FOR POLICE OFFICERS

Confidential

- a) Number of interviews
- b) Average duration of interviews
- c) Type of respondent

IDENTIFICATION

1) City of

1. Montreal
2. Quebec
3. Sherbrooke
4. Trois-Rivières

2) Respondent assigned to

Montreal

11. Morality squad
12. Region 1
13. Region 2
14. Region 3
15. Region 4

Quebec

Specify

Sherbrooke

Specify

Trois-Rivières

Specify

3) Sex of respondent

1. Female
2. Male

4) Age of respondent

5) How long has the respondent been a police officer?

- 0 - Less than one year
xy - Number of years

6) How long has the respondent been involved in cases related to prostitution?

- 0 - Less than one year
xy - Number of years

7) Did you choose your current assignment?

- 1 - No
- 2 - Yes - Why did you make this choice?

DESCRIPTION OF PROSTITUTION

A. Incidence of prostitution

In your city how many individuals are

- 8) known prostitutes?
- 9) prostitutes (total) according to your estimates?
- 10) known procurers?
- 11) procurers (total) according to your estimates?
- 12) known facilitators?
- 13) facilitators (total) according to your estimates?

B. Types of prostitution

14) What types of prostitution exist in your city?

a) Heterosexual prostitution by females

- 1 - yes
- 2 - no

b) Heterosexual prostitution by males

- 1 - yes
- 2 - no

c) Homosexual prostitution by females

- 1 - yes
- 2 - no

d) Homosexual prostitution by males

- 1 - yes
- 2 - no

e) Prostitution by transvestites

- 1 - yes
- 2 - no

15) Are there other types of prostitution in your city?

- 1 - yes (specify)
- 2 - no

16) Considering prostitution in your city as a whole, what proportion do the various types listed constitute?

- | | |
|-------------------------------------|---------|
| a) Heterosexual female prostitution | _____ % |
| b) Heterosexual male prostitution | _____ % |
| c) Homosexual female prostitution | _____ % |
| d) Homosexual male prostitution | _____ % |
| e) Prostitution by transvestites | _____ % |
| f) Other types | _____ % |

C. Forms of prostitution (modus operandi)

17) What are the forms (modus operandi) of prostitution practised in your city?

a) Street solicitation

- 1 - yes
- 2 - no

b) Massage parlours

- 1 - yes
- 2 - no

c) Saunas

- 1 - yes
- 2 - no

d) Dating agencies

- 1 - yes
- 2 - no

e) Escort or hostess agencies

- 1 - yes
- 2 - no

f) Photo studio or modelling agencies

- 1 - yes
- 2 - no

g) Recruiting in non-specialized clubs and bars

- 1 - yes
- 2 - no

h) Recruiting in specialized ("erotic") clubs and bars such as establishments featuring nude dancers

- 1 - yes
- 2 - no

i) Networks of "call girls" or "call boys"

- 1 - yes
- 2 - no

j) Classified ads

- 1 - yes
- 2 - no

18) Are there other forms of prostitution in your city?

- 1 - yes - specify
- 2 - no

19) Considering prostitution in your city as a whole, what proportion do the various forms listed constitute?

- | | | |
|--|-------|---|
| a) Street solicitation | _____ | % |
| b) Massage parlours | _____ | % |
| c) Saunas | _____ | % |
| d) Dating agencies | _____ | % |
| e) Escort or hostess agencies | _____ | % |
| f) Photo studios/modelling agencies | _____ | % |
| g) Non-specialized clubs and bars | _____ | % |
| h) Specialized clubs and bars | _____ | % |
| i) Networks of "call girls" and
"call boys" | _____ | % |
| j) Classified ads | _____ | % |
| k) Others | _____ | % |

20) Are certain forms of prostitution more popular than others among certain types of prostitutes?

- 1 - yes
2 - no (go on to 22)

21) Of the following forms of prostitution (continued below)

1. Street solicitation
2. Massage parlours
3. Saunas
4. Dating agencies
5. Escort or hostess agencies
6. Photo studios/modelling agencies
7. Non-specialized clubs and bars
8. Specialized clubs and bars
9. Networks of "call girls" and
"call boys"
10. Classified ads
11. Others

- indicate which is the most popular among

- a) Heterosexual female prostitutes
- b) Heterosexual male prostitutes
- c) Homosexual female prostitutes
- d) Homosexual male prostitutes
- e) Transvestites
- f) Others

D. Geographic location of prostitution

22) Is prostitution in your city (or your sector)
concentrated in certain identifiable areas?

1 - yes

2 - no (go on to 33)

23) How many such areas are there?

24) Provide a specific geographical identification for each
of these areas.

Area identification	No. attributed to area by this respondent	Code No. of area for global identification
	1	
	2	
	3	
	4	
	5	
	6	
	7	
	8	
	9	
	10	

25) What proportion of all the prostitution in your city or
sector is found in each of these areas?

No. attributed to area by this respondent	Code No. of area for global identification	Proportion
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

- 26) Are the various types of prostitution (heterosexual, homosexual, transvestite) the same from one area to another?
1 - yes (go on to 28)
2 - no
- 27) Describe the differences among areas as to the types of prostitutes who work there.
- 28) Are the forms of prostitution the same from one area to another?
1 - yes (go on to 30)
2 - no
- 29) Describe the differences among areas as to the forms of prostitution practised.
- 30) Is the geographic demarcation (areas) of prostitution fairly stable?
1 - yes (go on to 32)
2 - no
- 31) What are the reasons behind changes in the geographic location of prostitution areas?
1 - police intervention
2 - climatic conditions
3 - location of seasonal clientele
4 - seasonal influx of prostitutes from out of town
5 - other (explain)
- 32) Do prostitutes "travel" from one area to another?
1 - if so, why?
2 - if not, why not?

E. Seasonal fluctuations in prostitution

- 33) Are there periods of the year when the number of prostitutes increases?
1 - yes
2 - no (go on to 35)
- 34) Can you identify these periods?
- 35) What causes such increases?
- 36) Are there periods of the year when the number of prostitutes decreases?
1 - yes
2 - no (go on to 39)

- 37) Can you identify these periods?
- 38) What causes such decreases?
- 39) Are there peak hours for prostitution?
1 - yes
2 - no (go on to 47)
- 40) Can you identify these peak hours?

Period	Start	Finish
1		
2		
3		
4		

- 41) Are the hours the same for each type of prostitution?
1 - yes (go on to 43)
2 - no
- 42) Indicate the main peak period for each of the following types of prostitute.
- | | | | | |
|------------------------------------|------|-------|----|-------|
| a) Heterosexual female prostitutes | from | _____ | to | _____ |
| b) Heterosexual male prostitutes | from | _____ | to | _____ |
| c) Homosexual female prostitutes | from | _____ | to | _____ |
| d) Homosexual male prostitutes | from | _____ | to | _____ |
| e) Transvestite prostitutes | from | _____ | to | _____ |
| f) Others | from | _____ | to | _____ |
- 43) Are these hours the same for each form of prostitution?
1 - yes (go on to 45)
2 - no
- 44) Indicate the main peak period for each of the following forms of prostitution
- | | | | | |
|---|------|-------|----|-------|
| a) Street solicitation | from | _____ | to | _____ |
| b) Massage parlours | from | _____ | to | _____ |
| c) Saunas | from | _____ | to | _____ |
| d) Dating agencies | from | _____ | to | _____ |
| e) Escort or hostess agencies | from | _____ | to | _____ |
| f) Photo studios/modelling agencies | from | _____ | to | _____ |
| g) Non-specialized clubs and bars | from | _____ | to | _____ |
| h) Specialized clubs and bars | from | _____ | to | _____ |
| i) Networks of "call girls" and "call boys" | from | _____ | to | _____ |
| j) Others | from | _____ | to | _____ |

- 45) Are these hours the same for each prostitution area?
 1 - yes (go on to 47)
 2 - no
- 46) Indicate the main peak period for each of the prostitution areas identified above (see No. 24).

No. attributed to area by this respondent	Code No. of area for global identification	Peak period
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

F. Involvement of procurers and facilitators

- 47) What proportion of prostitutes have a procurer?
- 48) Does this proportion vary from one type of prostitute to another?
 1 - yes
 2 - no (go on to 50)
- 49) Of the following types of prostitutes, what proportion have a procurer?
- | | |
|------------------------------------|---------|
| a) Heterosexual female prostitutes | _____ % |
| b) Heterosexual male prostitutes | _____ % |
| c) Homosexual female prostitutes | _____ % |
| d) Homosexual male prostitutes | _____ % |
| e) Transvestite prostitutes | _____ % |
| f) Others | _____ % |
- 50) Does this proportion vary from one form of prostitution to another?
 1 - yes
 2 - no (go on to 52)

51) Of the following forms of prostitution, what proportion involves procurers?

- | | | |
|---|-------|---|
| a) Street solicitation | _____ | % |
| b) Massage parlours | _____ | % |
| c) Saunas | _____ | % |
| d) Dating agencies | _____ | % |
| e) Escort or hostess agencies | _____ | % |
| f) Photo studios/modelling agencies | _____ | % |
| g) Non-specialized clubs and bars | _____ | % |
| h) Specialized clubs and bars | _____ | % |
| i) Networks of "call girls" and "call boys" | _____ | % |
| j) Classified ads | _____ | % |
| k) Others | _____ | % |

52) Does this proportion vary from one prostitution area to another?

- 1 - yes
2 - no (go on to 54)

53) Indicate the proportion of prostitutes who have a procurer for each area identified above (see No. 24).

No. attributed to area by this respondent	Code No. of area for global identification	% who have a procurer
1		%
2		%
3		%
4		%
5		%
6		%
7		%
8		%
9		%
10		%

54) As a general rule, and on average, how many prostitutes does a procurer control?

55) What proportion of prostitutes uses facilitators?

56) Does this proportion vary from one type of prostitute to another?

- 1 - yes
2 - no (go on to 58)

57) Of the following types of prostitutes, what proportion uses facilitators?

- a) Heterosexual female prostitutes _____ %
- b) Heterosexual male prostitutes _____ %
- c) Homosexual female prostitutes _____ %
- d) Homosexual male prostitutes _____ %
- e) Transvestite prostitutes _____ %
- f) Others _____ %

58) Does this proportion vary from one form of prostitution to another?

- 1 - yes
- 2 - no (go on to 60)

59) Of the following forms of prostitution, what proportion involves facilitators?

- a) Street solicitation _____ %
- b) Massage parlours _____ %
- c) Saunas _____ %
- d) Dating agencies _____ %
- e) Escort or hostess agencies _____ %
- f) Photo studios/modelling agencies _____ %
- g) Non-specialized clubs and bars _____ %
- h) Specialized clubs and bars _____ %
- i) Networks of "call girls" and "call boys" _____ %
- j) Classified ads _____ %
- k) Others _____ %

60) Does this proportion vary from one prostitution area to another?

- 1 - yes
- 2 - no (go on to 62)

61) Indicate the proportion of prostitutes who use facilitators, for each area identified above (see No. 24).

No. attributed to area by this respondent	Code No. of area for global identification	% which use facilitators
1		%
2		%
3		%
4		%
5		%
6		%
7		%
8		%
9		%
10		%

- 62) List the occupations of these facilitators.
- 63) As a general rule, and on average, how many prostitutes does a facilitator serve?
- 64) As a general rule, and on average, how many facilitators does a prostitute work with?

ATTITUDES TOWARD PROSTITUTION

A. Prostitution as a social phenomenon

- 65) Do you think individuals who prostitute themselves do so
a) by choice? (explain)
b) because they are forced to? (explain)
- 66) Do you think the reasons for prostitution are the same for
a) women? 1 - yes 2 - no
b) men? 1 - yes 2 - no
c) homosexuals? 1 - yes 2 - no
d) transvestites? 1 - yes 2 - no
- 67) Do you think prostitution is a business like any other?
1) yes (explain)
2) no (explain)
- 68) We all have our own ideas about prostitution. Here are some common attitudes. Indicate for each attitude whether you agree.
- a) Prostitution is necessary. Without it, individuals who are otherwise unable to have sexual relations (because they are shy, unattractive, far from cities, and so on) would be frustrated and might become violent and/or commit rape.
1 - yes
2 - no
- b) Prostitution is necessary. It makes it possible to preserve marriages and families, because there is no risk that dissatisfied spouses would run off with a prostitute, as they might with a lover or a mistress.
1 - yes
2 - no
- c) Prostitution is necessary. It allows sexual deviants to satisfy their desires without tarnishing their reputations or corrupting "innocent" people.
1 - yes
2 - no
- d) Prostitution is the major vehicle for sexually-transmitted diseases.
1 - yes
2 - no

- e) Prostitution is a scourge. It sets a bad example to society. It demonstrates and contributes to declining morals.
 - 1 - yes
 - 2 - no
 - f) Prostitution is a scourge because it permits pre-marital and extra-marital sexual relations.
 - 1 - yes
 - 2 - no
 - g) Prostitution harms society because organized crime profits from it to a large extent.
 - 1 - yes
 - 2 - no
 - h) One negative aspect of prostitution is that prostitutes become sexual objects.
 - 1 - yes
 - 2 - no
 - i) Prostitution is acceptable as long as it occurs between consenting adults.
 - 1 - yes
 - 2 - no
 - j) Prostitution is acceptable as long as it occurs between heterosexual adults only.
 - 1 - yes
 - 2 - no
 - k) Prostitution is acceptable as long as it is invisible (distinct areas, discreet forms, and so on).
 - 1 - yes
 - 2 - no
 - l) Prostitution is acceptable in distant geographical regions where it is the only possible form of heterosexual relations.
 - 1 - yes
 - 2 - no
- 69) Do you think that prostitution is exploitative?
- 1 - yes
 - 2 - no

70) Who exploits whom?

a) Prostitutes exploit clients

1 - yes

2 - no

b) Clients exploit prostitutes

1 - yes

2 - no

c) Procurers exploit prostitutes

1 - yes

2 - no

d) Facilitators exploit prostitutes

1 - yes

2 - no

B. Problems associated with prostitution

1. Among prostitutes

71) What proportion of prostitutes are victims of violence?

72) Would you say such violence is

1 - infrequent?

2 - frequent?

3 - very frequent?

73) What type of violence do prostitutes suffer?

1 - Rape

2 - Superficial blows and injuries

3 - Serious blows and injuries

4 - Murder

5 - Others (specify)

74) Which of the following groups use violence against prostitutes?

a) Procurers 1 - yes 2 - no

b) Clients 1 - yes 2 - no

c) Facilitators 1 - yes 2 - no

d) Other prostitutes
of the same type 1 - yes 2 - no

e) Other prostitutes
of different types 1 - yes 2 - no

f) Passers-by 1 - yes 2 - no

g) Neighbourhood residents 1 - yes 2 - no

75) Of the prostitutes who are victims of violence, what proportion work through

- | | | |
|--|-------|---|
| a) street solicitation | _____ | % |
| b) massage parlours | _____ | % |
| c) saunas | _____ | % |
| d) dating agencies | _____ | % |
| e) escort or hostess agencies | _____ | % |
| f) photo studios/modelling agencies | _____ | % |
| g) non-specialized clubs and bars | _____ | % |
| h) specialized clubs and bars | _____ | % |
| i) networks of "call girls" and
"call boys" | _____ | % |
| j) classified ads | _____ | % |
| k) others | _____ | % |

76) Of the prostitutes who use violence, what proportion are

- | | | |
|------------------------------------|-------|---|
| a) heterosexual female prostitutes | _____ | % |
| b) heterosexual male prostitutes | _____ | % |
| c) homosexual female prostitutes | _____ | % |
| d) homosexual male prostitutes | _____ | % |
| e) transvestite prostitutes | _____ | % |
| f) others | _____ | % |

77) What percentage of prostitutes use drugs? _____ %

78) What percentage of prostitutes drink? _____ %

79) What proportion of prostitutes are carriers of sexually-transmitted diseases?

2. Among procurers

80) Aside from crimes related to violence against prostitutes, can other crimes be frequently attributed to procurers?

- 1 - yes
2 - no (go on to 83)

81) Who are the most common targets of such crimes?

- 1 - Clients
2 - Other procurers
3 - Facilitators
4 - Others

82) What type of crimes are involved?

83) Are there identifiable links between procurers and organized crime?

- 1 - yes
2 - no (go on to 85)

84) Identify these links and how they operate.

Neighbourhoods

- 85) In neighbourhoods where prostitution is practised
- a) is traffic
 - 1. heavier than in other comparable neighbourhoods where there is no prostitution?
 - 2. the same as in comparable neighbourhoods where there is no prostitution?
 - 3. lighter than in comparable neighbourhoods where there is no prostitution?
 - b) Is pedestrian traffic which is apparently not related to prostitution
 - 1. heavier than in other comparable neighbourhoods where there is no prostitution?
 - 2. the same as in comparable neighbourhoods where there is no prostitution?
 - 3. lighter than in comparable neighbourhoods where there is no prostitution?
- 86) Comparing neighbourhoods where there is prostitution with those where there is not
- a) is the incidence of crime in general (not including related to prostitution) in neighbourhoods where prostitution is practised
 - 1. greater?
 - 2. the same?
 - 3. less?
 - b) Are the crimes committed
 - 1. more serious?
 - 2. the same?
 - 3. less serious?

C. Attitudes toward the usefulness of repression

- 87) With the general good of society in mind, would you say we should
- 1. outlaw prostitution entirely?
 - 2. control prostitution or keep it within acceptable limits?
 - 3. allow prostitution?
 - 4. other (specify)

88) With the general good of prostitutes in mind, would you say we should

1. outlaw prostitution entirely?
2. control prostitution or keep it within acceptable limits?
3. allow prostitution?
4. other (specify)

CONTROL OF PROSTITUTION

A. Current legislation

- 89) Under current legislation and municipal by-laws, what charges can be brought against
1. prostitutes?
 2. procurers?
 3. facilitators?
 4. clients?
- 90) With specific regard to current legislation and municipal by-laws which make it possible to charge prostitutes, do any of them refer particularly to certain types of prostitution?
1. yes (explain)
 2. no

B. Law enforcement

- 91) Does your service receive complaints related to prostitution?
1. yes
 2. no (go on to 97)
- 92) Who files these complaints?
- 93) To whom these complaints refer?
- | | | |
|-----------------|---------|--------|
| a) Prostitutes | 1 - yes | 2 - no |
| b) Procurers | 1 - yes | 2 - no |
| c) Facilitators | 1 - yes | 2 - no |
- 94) What kind of complaints are filed
- a) against prostitutes?
 - b) against procurers?
 - c) against facilitators?
- 95) How often do you receive such complaints?
- _____ complaints per week
- 96) Are the complaints you receive the main reason you take action against prostitution?
- 1 - yes
 - 2 - no - What is the main reason you take action?

97) When you take action against street solicitation

- a) what are the reasons (causes) for your action?
- b) what laws and by-laws are to be enforced?
- c) what steps must you take? What details of evidence must you collect? What regulations and techniques must you follow to enforce these laws and by-laws?
- d) what problems do you encounter in enforcing these laws and by-laws?
- e) what tricks can those involved in prostitution use to make your job difficult or impossible?
- f) In the face of some insurmountable problems enforcing legislation (as indicated in "D"), and the tricks used by those involved in prostitution to hamper your efforts, have you developed techniques and strategies which help you to control prostitution to some extent?
- g) As far as this form of prostitution is concerned, do your action affect
 - 1. prostitutes? 1 - yes 2 - no
 - 2. procurers? 1 - yes 2 - no
 - 3. facilitators? 1 - yes 2 - no
 - 4. clients? 1 - yes 2 - no

98) When you have occasion to take action against massage parlours

- a) what are the reasons (causes) for your action?
- b) what laws and by-laws are to be enforced?
- c) what steps must you take? What details of evidence must you collect? What regulations and techniques must you follow to enforce these laws and by-laws?
- d) what problems do you encounter in enforcing these laws and by-laws?
- e) what tricks can those involved in prostitution use to make your job difficult or impossible?
- f) In the face of some insurmountable problems enforcing legislation (as indicated in "d"), and the tricks used by those involved in prostitution to hamper your efforts, have you developed techniques and strategies which help you to control prostitution to some extent?
- g) As far as this form of prostitution is concerned, do your actions affect
 - 1. prostitutes? 1 - yes 2 - no
 - 2. procurers? 1 - yes 2 - no
 - 3. facilitators? 1 - yes 2 - no
 - 4. clients? 1 - yes 2 - no

99) When you have occasion to take action against saunas

- a) what are the reasons (causes) for your action?
- b) what laws and by-laws to be enforced?
- c) what steps must you take? What details of evidence must you collect? What regulations and techniques must you follow to enforce these laws and by-laws?
- d) what problems do you encounter in enforcing these laws and by-laws?
- e) what tricks can those involved in prostitution use to make your job difficult or impossible?
- f) In the face of some insurmountable problems enforcing the legislation (as indicated in "d"), and the tricks used by those involved in prostitution to hamper your efforts, have you developed techniques and strategies which help you to control prostitution to some extent?
- g) As far as this form of prostitution is concerned, do your actions affect
 - 1. prostitutes? 1 - yes 2 - no
 - 2. procurers? 1 - yes 2 - no
 - 3. facilitators? 1 - yes 2 - no
 - 4. clients? 1 - yes 2 - no

100) When you have occasion to take action against dating agencies

- a) what are the reasons (causes) for your action?
- b) what laws and by-laws are to be enforced?
- c) what steps must you take? What details of evidence must you collect? What regulations and techniques must you follow to enforce these laws and by-laws?
- d) what problems do you encounter in enforcing these laws and by-laws?
- e) what tricks can those involved in prostitution use to make your job difficult or impossible?
- f) In the face of some insurmountable problems enforcing legislation (as indicated in "d"), and the tricks used by those involved in prostitution to hamper your efforts, have you developed techniques and strategies which help you to control prostitution to some extent?
- g) As far as this form of prostitution is concerned, do your actions affect
 - 1. prostitutes? 1 - yes 2 - no
 - 2. procurers? 1 - yes 2 - no
 - 3. facilitators? 1 - yes 2 - no
 - 4. clients? 1 - yes 2 - no

- 101) When you have occasion to take action against escort or hostess agencies
- a) what are the reasons (causes) for your action?
 - b) what laws and by-laws are to be enforced?
 - c) what steps must you take? What details of evidence must you collect? What regulations and techniques must you follow to enforce these laws and by-laws?
 - d) what problems do you encounter in enforcing these laws and by-laws?
 - e) what tricks can those involved in prostitution use to make your job difficult or impossible?
 - f) In the face of some insurmountable problems enforcing legislation (as indicated in "d"), and the tricks used by those involved in prostitution to hamper your efforts, have you developed techniques and strategies which help you to control prostitution to some extent?
 - g) As far as this form of prostitution is concerned, do your actions affect
 1. prostitutes? 1 - yes 2 - no
 2. procurers? 1 - yes 2 - no
 3. facilitators? 1 - yes 2 - no
 4. clients? 1 - yes 2 - no
- 102) When you have occasion to take action against photo studios or modelling agencies
- a) what are the reasons (causes) for your action?
 - b) what laws and by-laws are to be enforced?
 - c) what steps must you take? What details of evidence must you collect? What regulations and techniques must you follow to enforce these laws and by-laws?
 - d) what problems do you encounter in enforcing these laws and by-laws?
 - e) what tricks can those involved in prostitution use to make your job difficult or impossible?
 - f) In the face of some insurmountable problems enforcing legislation (as indicated in "d"), and the tricks used by those involved in prostitution to hamper your efforts, have you developed techniques and strategies which help you to control prostitution to some extent?
 - g) As far as this form of prostitution is concerned, do your actions affect
 1. prostitutes? 1 - yes 2 - no
 2. procurers? 1 - yes 2 - no
 3. facilitators? 1 - yes 2 - no
 4. clients? 1 - yes 2 - no

103) When you have occasion to take action against non-specialized clubs and bars

- a) what are the reasons (causes) for your action?
- b) what laws and by-laws must be enforced?
- c) what steps must you take? What details of evidence must you collect? What regulations and techniques must you follow to enforce these laws and by-laws?
- d) what problems do you encounter in enforcing these laws and by-laws?
- e) what tricks can those involved in prostitution use to make your job difficult or impossible?
- f) In the face of some insurmountable problems enforcing legislation (as indicated in "d"), and the tricks used by those involved in prostitution to hamper your efforts, have you developed techniques and strategies which help you to control prostitution to some extent?
- g) As far as this form of prostitution is concerned, do your actions affect
 - 1. prostitutes? 1 - yes 2 - no
 - 2. procurers? 1 - yes 2 - no
 - 3. facilitators? 1 - yes 2 - no
 - 4. clients? 1 - yes 2 - no

104) When you have occasion to take action against specialized clubs and bars

- a) what are the reasons (causes) for your action?
- b) what laws and by-laws must be enforced?
- c) what steps must you take? What details of evidence must you collect? What regulations and techniques must you follow to enforce these laws and by-laws?
- d) what problems do you encounter in enforcing these laws and by-laws?
- e) what tricks can those involved in prostitution use to make your job difficult or impossible?
- f) In the face of some insurmountable problems enforcing legislation (as indicated in "d"), and the tricks used by those involved in prostitution to hamper your efforts, have you developed techniques and strategies which help you to control prostitution to some extent?
- g) As far as this form of prostitution is concerned, do your actions affect
 - 1. prostitutes? 1 - yes 2 - no
 - 2. procurers? 1 - yes 2 - no
 - 3. facilitators? 1 - yes 2 - no
 - 4. clients? 1 - yes 2 - no

- 105) When you have occasion to take action against networks of "call girls" or "call boys"
- a) what are the reasons (causes) for your action?
 - b) what laws and by-laws must be enforced?
 - c) what steps must you take? What details of evidence must you collect? What regulations and techniques must you follow to enforce these laws and by-laws?
 - d) what problems do you encounter in enforcing these laws and by-laws?
 - e) what tricks can those involved in prostitution use to make your job difficult or impossible?
 - f) In the face of some insurmountable problems enforcing legislation (as indicated in "d"), and the tricks used by those involved in prostitution to hamper your efforts, have you developed techniques and strategies which help you to control prostitution to some extent?
 - g) As far as this form of prostitution is concerned, do your actions affect
 - 1. prostitutes? 1 - yes 2 - no
 - 2. procurers? 1 - yes 2 - no
 - 3. facilitators? 1 - yes 2 - no
 - 4. clients? 1 - yes 2 - no
- 106) When you have occasion to take action against prostitution publicized through classified advertising
- a) what are the reasons (causes) for your action?
 - b) what laws and by-laws must be enforced?
 - c) what steps must you take? What details of evidence must you collect? What regulations and techniques must you follow to enforce these laws and by-laws?
 - d) what problems do you encounter in enforcing these laws and by-laws?
 - e) what tricks can those involved in prostitution use to make your job difficult or impossible?
 - f) In the face of some insurmountable problems enforcing legislation (as indicated in "d"), and the tricks used by those involved in prostitution to hamper your efforts, have you developed techniques and strategies which help you to control prostitution to some extent?
 - g) As far as this form of prostitution is concerned, do your actions affect
 - 1. prostitutes? 1 - yes 2 - no
 - 2. procurers? 1 - yes 2 - no
 - 3. facilitators? 1 - yes 2 - no
 - 4. clients? 1 - yes 2 - no

- 107) When you have occasion to take action against other forms of prostitution (specify forms)
- a) what are the reasons (causes) for your action?
 - b) what laws and by-laws must be enforced?
 - c) what steps must you take? What details of evidence must you collect? What regulations and techniques must you follow to enforce these laws and by-laws?
 - d) what problems do you encounter in enforcing these laws and by-laws?
 - e) what tricks can those involved in prostitution use to make your job difficult or impossible?
 - f) In the face of some insurmountable problems enforcing legislation (as indicated in "d"), and the tricks used by those involved in prostitution to hamper your efforts, have you developed techniques and strategies which help you to control prostitution to some extent?
 - g) As far as this form of prostitution is concerned, do your actions affect
 - 1. prostitutes? 1 - yes 2 - no
 - 2. procurers? 1 - yes 2 - no
 - 3. facilitators? 1 - yes 2 - no
 - 4. clients? 1 - yes 2 - no
- 108) Are the procedures described above for each form of prostitution equally applicable to all types of prostitutes (male, female, heterosexual, homosexual, transvestite)? If there are differences, describe them.
- 109) Where your intervention may affect the clients of prostitutes, do the nature of your actions and your methods differ if the client is married?
- 1 - yes
 - 2 - no (explain)
- 110) In their current form, do laws and municipal by-laws aim to
- a) suppress prostitution? 1 - yes 2 - no
 - b) suppress activities related to prostitution? 1 - yes 2 - no
 - c) restrict prostitution? 1 - yes 2 - no
 - d) restrict activities related to prostitution? 1 - yes 2 - no
 - e) eliminate the most visible and/or most controversial aspects of prostitution (cleaning up the streets, eliminating certain types of prostitution, and so on)? 1 - yes 2 - no

111) Which of the objectives mentioned in the preceding question can be met using current interpretations of legislation and legal precedents?

- a) 1 - yes 2 - no
- b) 1 - yes 2 - no
- c) 1 - yes 2 - no
- d) 1 - yes 2 - no
- e) 1 - yes 2 - no

112) Has your service been assigned particular objectives?

- 1 - yes
- 2 - no (go on to 114)

113) What are they?

114) Are you sometimes required to enforce laws more or less stringently?

- 1 - yes
- 2 - no (go on to 117)

115) When does this occur?

116) Why does this occur?

D. Control of the local environment

117) Aside from the complaints mentioned earlier, are you aware of efforts to control prostitution by the local environment?

- 1 - no
- 2 - yes - Specify the nature of such efforts (briefs to the authorities, citizens' groups, violence, and so on), those involved, and the forms of action taken.

118) To your knowledge, are there public agencies or private groups which provide services aimed at controlling prostitution (such as "AA"-type programs to rehabilitate prostitutes or clients)?

- 1 - no (go on to 119)
- 2 - yes
 - a) What are these public agencies or private groups?
 - b) What are their objectives and what type of action do they take?

c) Which individuals involved in prostitution do these agencies or organizations seek to control?

- | | | | |
|-----------------|--------|---------|--------|
| 1. Prostitutes | Types: | 1 - yes | 2 - no |
| 2. Procurers | | 1 - yes | 2 - no |
| 3. Facilitators | | 1 - yes | 2 - no |
| 4. Clients | | 1 - yes | 2 - no |

d) How successful are they?

119) To your knowledge, are there public agencies or private groups which provide services to assist those involved directly or indirectly in prostitution?

1 - no

2 - yes

a) What are these agencies or public groups?

b) What services do they provide?

c) At whom are these services directed (prostitutes, procurers, facilitators, clients, families of one or more of these groups, and so on) and who uses them?

120) Do prostitutes, procurers, facilitators, or clients ever express a need for assistance other than police assistance?

1 - no

2 - yes

a) What type of needs are expressed by each group?

b) How do you respond to such requests? What suggestions do you offer?

121) Do you ever spontaneously diagnose a need for assistance (other than police assistance) among prostitutes, procurers, facilitators, or clients?

1 - no

2 - yes

a) What type of needs have you recognized for each group identified?

b) Do you suggest ways to meet these needs or to solve problems directly or indirectly (listing places where assistance may be obtained, and so on)?

1 - no

2 - yes (explain, giving examples)

DESIRED CHANGES

All the solutions and suggestions proposed so far by those who have expressed opinions on prostitution can be roughly grouped according to one of the following three options.

I. Criminalization

This means that acts and by-laws which relate specifically to prostitution will continue to exist, and that offenders will be subject to criminal sanctions.

II. Decriminalization

Decriminalization means that all acts and by-laws which relate specifically to activities involving prostitution will be repealed. Henceforth, such activities would be governed by general principles of law, which either already exist or would be created or amended accordingly. For example, prostitutes operating on the street could be charged with loitering and obstruction (sections 171(1)(c), causing a disturbance (171(1)(a) and 171(1)(c), and trespassing at night, (173), just as could any citizen who committed similar offences. Procurers could be charged with extortion (section 305), or intimidation (381). Common bawdy-houses would no longer be able to operate following complaints under municipal zoning by-laws and provincial acts governing rental accommodation and public rights (peaceful enjoyment of residential premises), and so on.

III. Legalization

Prostitution would be permitted and would be subject to some form of regulation, which would consist in granting permits to prostitutes as individuals, to prostitution establishments, or to both.

A. How the available options could be applied

Criminalization, decriminalization, and legalization are three different ways of approaching the desired legislative changes in the area of prostitution. Each option involves more specific choices, and even supporters of a particular option do not always agree on these choices.

Regardless of the preferred option, you may have interesting suggestions about specific changes to be made if a particular route was chosen by the Department of Justice. You may feel that some choices are so essential that they should be included in any option selected.

The purpose of this section is to have you identify these choices.

122) Regardless of the solution chosen, do you think that

a) all types of prostitution should be treated the same way?

1 - yes

2 - no (explain)

b) all forms of prostitution should be treated the same way?

1 - yes

2 - no (explain)

c) all those involved in prostitution (prostitutes, clients, procurers and facilitators) should be treated the same way?

1 - yes (go on to 124)

2 - no

123) If those involved are to be treated differently, should the differences go as far as

a) decriminalizing the activities of some individuals while criminalizing those of others (for example, decriminalizing the activities of prostitutes and their clients and criminalizing those of procurers and facilitators)?

1 - yes

2 - no (explain)

b) legalizing the activities of some individuals (such as clients and prostitutes) while criminalizing those of others (such as procurers)?

1 - yes

2 - no (explain)

124) Can you identify other choices to consider, regardless of the option selected?

125) If criminalization were selected would it be sufficient to retain current legislation and to simplify enforcement through clearer or different definitions (for example, current Criminal Code sections but without the interpretations introduced in the Hutt case)?

1 - yes (go on to 127)

2 - no

- 126) What else would be required? Should we
- a) add other acts and/or by-laws?
 - 1 - yes (specify)
 - 2 - no
 - b) remove certain current acts and by-laws?
 - 1 - yes
 - 2 - no
 - c) consider simpler or more expeditious enforcement methods?
 - 1 - yes (specify)
 - 2 - no
 - d) Do you have any personal suggestions in this area?
- 127) If criminalization were selected, we would have to criminalize prostitution itself and not related activities. Do you agree with this suggestion? Why or why not?
- 128) If criminalization were selected, would we have to
- a) arrange that prostitutes would not have to testify in person, so as not to stigmatize them?
 - 1 - yes
 - 2 - no (explain)
 - b) plan shelters, training programs, psychological or financial assistance, and so on for prostitutes who wish to leave the occupation?
 - 1 - yes
 - 2 - no
 - c) consider very harsh sentences to dissuade individuals from prostituting themselves?
 - 1 - yes
 - 2 - no (explain)
- 129) Can you identify other approaches which you would consider essential if criminalization were the chosen option?
- 130) Can you identify other approaches which you would consider essential if decriminalization were the chosen option?
- 131) If legalization were selected, should permits be granted
- 1- to prostitutes?
 - 2- to establishments?
 - 3- to both?

132) If legalization were selected, what form should it take?

- 1 - separate neighbourhoods
- 2 - specialized establishments
- 3 - individual operations
- 4 - other

133) If legalization were selected, should there be legislation outlawing prostitution operations outside the official network?

- 1 - yes
- 2 - no (specify, then go on to 135)

134) Which option should be selected (criminalization or decriminalization) and what should the main application criteria be?

135) If legalization were selected, what other application criteria would you consider essential?

B. General advantages and disadvantages of the possible options

The following section consists of arguments often put forward either for or against one or more of the possible options. Indicate which you agree with and which you disagree with.

136) Criminalization and even decriminalization are too costly for society.

- 1 - yes
- 2 - no

137) To legalize prostitution would be to institutionalize it; that way the government would become a procurer.

- 1 - yes
- 2 - no

138) Decriminalization would not protect prostitutes from having a criminal record; only the charge would be different. Consequently, it would not be any easier for them to reintegrate themselves into society.

- 1 - yes
- 2 - no

139) Criminalization infringes upon the right of prostitutes to use their bodies as they wish.

- 1 - yes
- 2 - no

140) Legalization would harm prostitutes because they would no longer be free to work where, when, and with whom they wish.

1 - yes (explain)

2 - no (explain)

141) No one solution would make it possible to eliminate prostitution (or to reduce it) as long as prostitutes have the financial problems which drive them into the occupation.

1 - yes (specify)

2 - no (specify)

142) Legalization eliminates the need for procurers because prostitutes would be protected.

1 - yes (explain)

2 - no (explain)

143) Legalization would make possible

a) easier law enforcement	yes	no
---------------------------	-----	----

b) "clean" streets	yes	no
--------------------	-----	----

c) better health conditions	yes	no
-----------------------------	-----	----

144) The fines collected under criminalization could be used to rehabilitate prostitutes, as could profits from legalized prostitution.

1 - yes

2 - no

145) Legalization of prostitution is abhorrent. It exploits the vulnerability of those who are driven to prostitution and it gives them an abject view of themselves.

1 - yes

2 - no

146) The social stigma associated with prostitutes would be as strong under criminalization as it would under legalization.

1 - yes

2 - no

C. The optimum solution

147) In your view, what is the best of the three options?

1 - criminalization

2 - decriminalization

3 - legalization

- 148) What advantages do you see in this solution?
- a) for society as a whole
 - b) for prostitutes
 - c) as far as law enforcement is concerned
- 149) No solution is perfect. What disadvantages do you see in the solution you have chosen?
- 150) Do you anticipate problems in applying this option?
- 1 - no
 - 2 - yes - Indicate what potential problems might be.
- 151) What would be the insurmountable problems posed by the rejected solutions?

APPENDIX 3

QUESTIONNAIRE FOR CROWN ATTORNEYS

Confidential

- a) Number of interviews
- b) Average duration of interviews
- c) Type of respondent

IDENTIFICATION

- 1) City of
 1. Montreal
 2. Quebec City
 3. Sherbrooke
 4. Trois-Rivières
- 2) Sex of respondent
 1. Female
 2. Male
- 3) How long have you been a lawyer?
- 4) How long have you been a crown attorney?
- 5) How long have you acted as a crown attorney in cases related to prostitution?
- 6) In total, how many cases related to prostitution do you think you have handled?
- 7) Of these, what is the approximate percentage of cases where the accused was
 - a) a client _____ %
 - b) a procurer _____ %
 - c) a facilitator _____ %
 - d) a heterosexual female prostitute _____ %
 - e) a heterosexual male prostitute _____ %
 - f) a homosexual female prostitute _____ %
 - g) a homosexual male prostitute _____ %
 - h) a transvestite prostitute _____ %
- 8) Where you have acted against prostitutes from 1977 to the present, what was the approximate percentage of cases where the accused's modus operandi was
 - a) street solicitation _____ %
 - b) massage parlours _____ %
 - c) saunas _____ %
 - d) dating agencies _____ %
 - e) escort or hostess agencies _____ %
 - f) photo studios or modelling agencies _____ %
 - g) recruiting in non-specialized clubs and bars _____ %
 - h) recruiting in specialized clubs and bars _____ %
 - i) networks of "call girls" or "call boys" _____ %
 - j) classified ads _____ %
 - k) others _____ %

- 9) In the last five years, have you ever had to refuse a case brought in by police for lack of sufficient evidence or for lack of admissible evidence?

1 - no
2 - yes

- a) What proportion of cases were refused compared with cases heard?
- b) What type of cases were refused (who was involved, types and forms of prostitution, charges, and so on)?
- c) What were your specific reasons for refusing these cases?

ATTITUDES TOWARD PROSTITUTION

A. Prostitution as a social phenomenon

10) Do you think individuals who prostitute themselves do so

a) by choice? (explain)

b) because they are forced to? (explain)

11) Do you think the reasons for prostitution are the same for

a) women?

1 - yes 2 - no

b) men?

1 - yes 2 - no

c) homosexuals?

1 - yes 2 - no

d) transvestites?

1 - yes 2 - no

12) Do you think prostitution is a business like any other?

1) yes (explain)

2) no (explain)

13) We all have our own ideas about prostitution. Here are some common attitudes. Indicate for each attitude whether you agree.

a) Prostitution is necessary. Without it, individuals who are otherwise unable to have sexual relations (because they are shy, unattractive, far from cities, and so on) would be frustrated and might become violent and/or commit rape.

1 - yes

2 - no

b) Prostitution is necessary. It makes it possible to preserve marriages and families, because there is no risk that dissatisfied spouses would run off with a prostitute, as they might with a lover or a mistress.

1 - yes

2 - no

c) Prostitution is necessary. It allows sexual deviants to satisfy their desires without tarnishing their reputations or corrupting "innocent" people.

1 - yes

2 - no

d) Prostitution is the major vehicle for sexually-transmitted diseases.

1 - yes

2 - no

- e) Prostitution is a scourge. It sets a bad example to society. It demonstrates and contributes to declining morals.
 - 1 - yes
 - 2 - no
 - f) Prostitution is a scourge because it permits pre-marital and extra-marital sexual relations.
 - 1 - yes
 - 2 - no
 - g) Prostitution harms society because organized crime profits from it to a large extent.
 - 1 - yes
 - 2 - no
 - h) One negative aspect of prostitution is that prostitutes become sexual objects.
 - 1 - yes
 - 2 - no
 - i) Prostitution is acceptable as long as it occurs between consenting adults.
 - 1 - yes
 - 2 - no
 - j) Prostitution is acceptable as long as it occurs between heterosexual adults only.
 - 1 - yes
 - 2 - no
 - k) Prostitution is acceptable as long as it is invisible (distinct areas, discreet forms, and so on).
 - 1 - yes
 - 2 - no
 - l) Prostitution is acceptable in distant geographical regions where it is the only possible form of heterosexual relations.
 - 1 - yes
 - 2 - no
- 14) Do you think that prostitution is exploitative?
- 1 - yes
 - 2 - no

- 15) Who exploits whom?
- a) Prostitutes exploit clients
 - 1 - yes
 - 2 - no
 - b) Clients exploit prostitutes
 - 1 - yes
 - 2 - no
 - c) Procurers exploit prostitutes
 - 1 - yes
 - 2 - no
 - d) Facilitators exploit prostitutes
 - 1 - yes
 - 2 - no
- 16) With the general good of society in mind, would you say we should
- 1. outlaw prostitution entirely?
 - 2. control prostitution or keep it within acceptable limits?
 - 3. allow prostitution?
 - 4. other (specify)
- 17) With the general good of prostitutes in mind, would you say we should
- 1. outlaw prostitution entirely?
 - 2. control prostitution or keep it within acceptable limits?
 - 3. allow prostitution?
 - 4. other (specify)?

CONTROL OF PROSTITUTION

A. Law enforcement

- 18) In their current form, do laws and municipal by-laws aim to
- a) suppress prostitution? 1 - yes 2 - no
 - b) suppress activities related to prostitution? 1 - yes 2 - no
 - c) restrict prostitution? 1 - yes 2 - no
 - d) restrict activities related to prostitution? 1 - yes 2 - no
 - e) eliminate the most visible and/or most controversial aspects of prostitution (cleaning up the streets, eliminating certain types of prostitution)? 1 - yes 2 - no
- 19) Which of the objectives mentioned in the preceding question can be met using current interpretations of legislation and legal precedents?
- a) 1 - yes 2 - no
 - b) 1 - yes 2 - no
 - c) 1 - yes 2 - no
 - d) 1 - yes 2 - no
 - e) 1 - yes 2 - no
- 20) In the cases you have handled where the accused was a prostitute, indicate for each charge (Criminal Code section or municipal by-law)
- a) what evidence you had to submit to expect a guilty verdict
 - b) what defence the accused's lawyer would need to expect an acquittal
 - c) what arguments you could then use to oppose the defence
 - d) what proportion of the accused
 - 1. pleaded guilty when they appeared _____ %
 - 2. were found guilty after trial _____ %
 - 3. were found not guilty after trial _____ %

- 21) In the cases you have handled where the accused was a procurer, indicate for each charge (Criminal Code section or municipal by-law)
- a) what evidence you had to submit to expect a guilty verdict
 - b) what defence the accused's lawyer would need to expect an acquittal
 - c) what arguments you could then use to oppose the defence
 - d) what proportion of the accused
 - 1. pleaded guilty when they appeared _____ %
 - 2. were found guilty after trial _____ %
 - 3. were found not guilty after trial _____ %
- 22) In the cases you have handled where the accused was a facilitator, indicate for each charge (Criminal Code section or municipal by-law)
- a) what evidence you had to submit to expect a guilty verdict
 - b) what defence the accused's lawyer would need to expect an acquittal
 - c) what arguments you could then use to oppose the defence
 - d) what proportion of the accused
 - 1. pleaded guilty when they appeared _____ %
 - 2. were found guilty after trial _____ %
 - 3. were found not guilty after trial _____ %
- 23) In the cases you have handled where the accused was a client, indicate for each charge (Criminal Code section or municipal by-law)
- a) what evidence you had to submit to expect a guilty verdict
 - b) what defence the accused's lawyer would need to expect an acquittal
 - c) what arguments you could then use to oppose the defence
 - d) what proportion of the accused
 - 1. pleaded guilty when they appeared _____ %
 - 2. were found guilty after trial _____ %
 - 3. were found not guilty after trial _____ %

- 24) In cases where the accused pleaded guilty when he or she appeared, indicate the average sentence you would ask for, according to the charges, for
- a) prostitutes
 - b) procurers
 - c) facilitators
 - d) clients
- 25) In the cases where the accused was found guilty after trial, indicate the average sentence you would ask for, according to the charges, for
- a) prostitutes
 - b) procurers
 - c) facilitators
 - d) clients
- 26) Where the accused is a prostitute, are your argumentation and the sentences you ask for (and those of the defence) affected by
- a) the type of prostitute involved (male, female, heterosexual, homosexual, transvestite)?
 - 1. no
 - 2. yes - how?
 - b) the form of prostitution practised?
 - 1. no
 - 2. yes - how?
- 27) Indicate what factors, other than those mentioned earlier, affect your argumentation and the sentence you ask for (and the defence argumentation and sentence called for) in the case of
- a) prostitutes
 - b) procurers
 - c) facilitators
 - d) clients
- 28) What do you estimate the rate of recidivism to be among
- | | | |
|-----------------|-------|---|
| a) prostitutes | _____ | % |
| b) procurers | _____ | % |
| c) facilitators | _____ | % |
| d) clients | _____ | % |
- 29) Do you consider the sentences you call for to be
- a) dissuasive?
 - b) punitive?
 - c) rehabilitative?

30) Do you ever ask for a sentence involving a period long enough to permit rehabilitation, in an institution or with an organization offering such services?

1. no (go on to 32)
2. yes (specify)

31) In such cases, does the proportion of recidivists seem smaller?

1. yes
2. no

B. Public agencies and private groups: control and assistance

32) To your knowledge, are there public agencies or private groups which provide services aimed at controlling prostitution (such as "AA"-type programs to rehabilitate prostitutes or clients)?

- 1 - no
- 2 - yes

a) What are these public agencies or private groups?

b) What are their objectives and what type of action do they take?

c) Which individuals involved in prostitution do these agencies or organizations seek to control?

1. Prostitutes		1 - yes	2 - no
----------------	--	---------	--------

Types:

2. Procurers		1 - yes	2 - no
--------------	--	---------	--------

3. Facilitators		1 - yes	2 - no
-----------------	--	---------	--------

4. Clients		1 - yes	2 - no
------------	--	---------	--------

d) How successful are they?

e) Do you refer accused individuals to them?

1. no
2. yes

f) Which individuals, when, and why?

g) Is such a referral part of the sentence itself, or might it serve as an alternative?

1. yes
2. no

DESIRED CHANGES

All the solutions and suggestions proposed so far by those who have expressed opinions on prostitution can be roughly grouped according to one of the following three options.

I. Criminalization

This means that acts and by-laws relate specifically to prostitution will continue to exist, and that offenders will be subject to criminal sanctions.

II. Decriminalization

Decriminalization means that all acts or by-laws which relate specifically to activities involving prostitution will be repealed. Henceforth, such activities would be governed by general principles of law, which either already exist or would be created or amended accordingly. For example, prostitutes operating on the street could be charged with loitering and obstruction (sections 171(1)(c), causing a disturbance (171(1)(a) and 171(1)(c), and trespassing at night (173), just as could any citizen who committed similar offences. Procurers could be charged with extortion (section 305) or intimidation (381). Common bawdy-houses would no longer be able to operate following complaints under municipal zoning by-laws and provincial acts governing rental accommodation and public rights (peaceful enjoyment of residential premises), and so on.

III. Legalization

Prostitution would be permitted and would be subject to some form of regulation, which would consist in granting permits to prostitutes as individuals, to prostitution establishments, or to both.

A. How the available options could be applied

Criminalization, decriminalization, and legalization are three different ways of approaching the desired legislative changes in the area of prostitution. Each option involves more specific choices, and even supporters of a particular option do not always agree on these choices.

Regardless of the preferred option, you may have interesting suggestions about specific changes to be made if a particular route was chosen by the Department of Justice. You may feel that some choices are so essential that they should be included in any option selected. The purpose of this section is to have you identify these choices.

- 33) Regardless of the solution chosen, do you think that
- a) all types of prostitution should be treated the same way?
 - 1 - yes
 - 2 - no (explain)
 - b) all forms of prostitution should be treated the same way?
 - 1 - yes
 - 2 - no (explain)
 - c) all those involved in prostitution (prostitutes, clients, procurers and facilitators) should be treated the same way?
 - 1 - yes (go on to 35)
 - 2 - no
- 34) If those involved are to be treated differently, should the differences go as far as
- a) decriminalizing the activities of some individuals while criminalizing those of others (for example, decriminalizing the activities of prostitutes and their clients and criminalizing those of procurers and facilitators)?
 - 1 - yes
 - 2 - no (explain)
 - b) legalizing the activities of some individuals (such as clients and prostitutes) while criminalizing those of others (such as procurers)?
 - 1 - yes
 - 2 - no (explain)
- 35) Can you identify other choices to consider, regardless of the option selected?
- 36) If criminalization were selected would it be sufficient to retain current legislation and to simplify enforcement through clearer or different definitions (for example, current Criminal Code sections but without the interpretations introduced in the Hutt case)?
 - 1 - yes (go on to 38)
 - 2 - no
- 37) What else would be required? Should we
- a) add other acts and/or by-laws?
 - 1 - yes (specify)
 - 2 - no

- b) remove certain current acts and by-laws?
 - 1 - yes (specify)
 - 2 - no
 - c) consider simpler or more expeditious enforcement methods?
 - 1 - yes (specify)
 - 2 - no
 - d) Do you have any personal suggestions in this area?
- 38) If criminalization were selected, we would have to criminalize prostitution itself and not related activities. Do you agree with this suggestion? Why or why not?
- 39) If criminalization were selected, would we have to
- a) arrange that prostitutes would not have to testify in person, so as not to stigmatize them?
 - 1 - yes
 - 2 - no (explain)
 - b) plan shelters, training programs, psychological or financial assistance, and so on for prostitutes who wish to leave the occupation?
 - 1 - yes
 - 2 - no
 - c) consider very harsh sentences to dissuade individuals from prostituting themselves?
 - 1 - yes
 - 2 - no (explain)
- 40) If criminalization were selected should sentences
- a) be harsher, the same, or lighter?
 - b) be dissuasive, punitive, or rehabilitative?
 - c) consist mainly of fines, prison terms, or probation?
- 41) If criminalization were selected, should legislation be at the
- a) federal (national) level?
 - b) provincial level?
 - c) local (municipal) level?
 - d) a combination (specify)
- 42) Can you identify other approaches which you would consider essential if criminalization were the chosen option?

- 43) Can you identify other approaches which you would consider essential if decriminalization were the chosen option?
- 44) If legalization were selected, should permits be granted
- 1 - to prostitutes?
 - 2 - to establishments?
 - 3 - to both?
- 45) If legalization were selected which government should be the regulatory agency?
- a) the federal government
 - b) provincial governments
 - c) municipalities
 - d) other (specify)

B. General advantages and disadvantages of the possible options

The following section consists of arguments often put forward either for or against one or more of the possible options. Indicate which you agree with and which you disagree with.

- 46) Criminalization and even decriminalization are too costly for society.
- 1 - yes
 - 2 - no
- 47) To legalize prostitution would be to institutionalize it; that way the government would become a procurer.
- 1 - yes
 - 2 - no
- 48) Decriminalization would not protect prostitutes from having a criminal record; only the charge would be different. Consequently, it would not be any easier for them to reintegrate themselves into society.
- 1 - yes
 - 2 - no
- 49) Criminalization infringes upon the right of prostitutes to use their bodies as they wish.
- 1 - yes
 - 2 - no

- 50) Legalization would harm prostitutes because they would no longer be free to work where, when, and with whom they wish.
- 1 - yes (explain)
 - 2 - no (explain)
- 51) No one solution would make it possible to eliminate prostitution (or to reduce it) as long as prostitutes have financial problems which drive them into the occupation.
- 1 - yes (explain)
 - 2 - no (explain)
- 52) Legalization eliminates the need for procurers because prostitutes would be protected.
- 1 - yes (explain)
 - 2 - no (explain)
- 53) Legalization would make possible
- a) easier law enforcement yes no
 - b) "clean" streets yes no
 - c) better health conditions yes no
- 54) The fines collected under criminalization could be used to rehabilitate prostitutes in the same way as could profits from legalized prostitution.
- 1 - yes
 - 2 - no
- 55) Legalization of prostitution is abhorrent. It exploits the vulnerability of those who are driven to prostitution and it gives them an abject view of themselves.
- 1 - yes
 - 2 - no
- 56) The social stigma associated with prostitutes would be as strong under criminalization as it would under legalization.
- 1 - yes
 - 2 - no

C. The optimum solution

- 57) In your view, what is the best of the three options?
- 1 - criminalization
 - 2 - decriminalization
 - 3 - legalization
- 58) What advantages do you see in this solution
- a) for society as a whole?
 - b) for prostitutes?
 - c) as far as law enforcement is concerned?
- 59) No solution is perfect. What disadvantages do you see in the solution you have chosen?
- 60) Do you anticipate problems in applying this option?
- 1 - no
 - 2 - yes - Indicate what potential problems might be.
- 61) What would be the insurmountable problems posed by the rejected solutions?

APPENDIX 4

QUESTIONNAIRE FOR JUDGES

Confidential

- a) Number of interviews
- b) Average duration of interviews
- c) Type of respondent

IDENTIFICATION

- 1) City of
 1. Montreal
 2. Quebec
 3. Sherbrooke
 4. Trois-Rivières
- 2) Sex of respondent
 1. Female
 2. Male
- 3) How long have you been a judge?
- 4) How long have you had to rule in cases related to prostitution?
- 5) How long had you practised law before you became a judge?
- 6) In total, how many cases related to prostitution do you think you have ruled on?
- 7) Of these, what is the approximate percentage of cases where the accused was
 - a) a client _____ %
 - b) a procurer _____ %
 - c) a facilitator _____ %
 - d) a heterosexual female prostitute _____ %
 - e) a heterosexual male prostitute _____ %
 - f) a homosexual female prostitute _____ %
 - g) a homosexual male prostitute _____ %
 - h) a transvestite prostitute _____ %
- 8) Of those cases against prostitutes on which you have ruled from 1977 to the present, what is the approximate percentage where the accused's modus operandi was
 - a) street solicitation _____ %
 - b) massage parlours _____ %
 - c) saunas _____ %
 - d) dating agencies _____ %
 - e) escort or hostess agencies _____ %
 - f) photo studios or modelling agencies _____ %
 - g) recruiting in non-specialized clubs and bars _____ %
 - h) recruiting in specialized clubs and bars _____ %
 - i) networks of "call girls" or "call boys" _____ %
 - j) classified ads _____ %
 - k) others _____ %

- 9) In cases on which you have had to rule, have you -- in the last five years -- noticed significant changes
- a) in the types or forms of prostitution?
 - b) in the argumentation used by the two sides?
 - c) in your own approach to cases (verdicts, sentences, evidence required, tolerance or intolerance to various elements, and so on)?

ATTITUDES TOWARD PROSTITUTION

A. Prostitution as a social phenomenon

- 10) Do you think individuals who prostitute themselves do so
- a) by choice? (explain)
- b) because they are forced to? (explain)
- 11) Do you think the reasons for prostitution are the same for
- a) women? 1 - yes 2 - no
- b) men? 1 - yes 2 - no
- c) homosexuals? 1 - yes 2 - no
- d) transvestites? 1 - yes 2 - no
- 12) Do you think prostitution is a business like any other?
- 1) yes (explain)
- 2) no (explain)
- 13) We all have our own ideas about prostitution. Here are some common attitudes. Indicate for each attitude whether you agree.
- a) Prostitution is necessary. Without it, individuals who are otherwise unable to have sexual relations (because they are shy, unattractive, far from cities, and so on) would be frustrated and might become violent and/or commit rape.
- 1 - yes
- 2 - no
- b) Prostitution is necessary. It makes it possible to preserve marriages and families, because there is no risk that dissatisfied spouses would run off with a prostitute as they might with a lover or a mistress.
- 1 - yes
- 2 - no
- c) Prostitution is necessary. It allows sexual deviants to satisfy their desires without tarnishing their reputations or corrupting "innocent" people.
- 1 - yes
- 2 - no
- d) Prostitution is the major vehicle for sexually-transmitted diseases.
- 1 - yes
- 2 - no

- e) Prostitution is a scourge. It sets a bad example to society. It demonstrates and contributes to declining morals.
 - 1 - yes
 - 2 - no
 - f) Prostitution is a scourge because it permits pre-marital and extra-marital sexual relations.
 - 1 - yes
 - 2 - no
 - g) Prostitution harms society because organize crime profits from it to a large extent.
 - 1 - yes
 - 2 - no
 - h) One negative aspect of prostitution is that prostitutes become sexual objects.
 - 1 - yes
 - 2 - no
 - i) Prostitution is acceptable as long as it occurs between consenting adults.
 - 1 - yes
 - 2 - no
 - j) Prostitution is acceptable as long as it occurs between heterosexual adults only.
 - 1 - yes
 - 2 - no
 - k) Prostitution is acceptable as long as it is invisible (distinct areas, discreet forms, and so on).
 - 1 - yes
 - 2 - no
 - l) Prostitution is acceptable in distant geographical regions where it is the only possible form of heterosexual relations.
 - 1 - yes
 - 2 - no
- 14) Do you think that prostitution is exploitative?
- 1 - yes
 - 2 - no (go on to 16)

- 15) Who exploits whom?
- a) Prostitutes exploit clients
 - 1 - yes
 - 2 - no
 - b) Clients exploit prostitutes
 - 1 - yes
 - 2 - no
 - c) Procurers exploit prostitutes
 - 1 - yes
 - 2 - no
 - d) Facilitators exploit prostitutes
 - 1 - yes
 - 2 - no
- 16) With the general good of society in mind, would you say we should
- 1. outlaw prostitution entirely?
 - 2. control prostitution or keep it within acceptable limits?
 - 3. allow prostitution?
 - 4. other (specify)
- 17) With the general good of prostitutes in mind, would you say we should
- 1. outlaw prostitution entirely?
 - 2. control prostitution or keep it within acceptable limits?
 - 3. allow prostitution?
 - 4. other (specify)

CONTROL OF PROSTITUTION

A. Law enforcement

- 18) In their current form, do laws and municipal by-laws aim to
- a) suppress prostitution? 1 - yes 2 - no
 - b) suppress activities related to prostitution? 1 - yes 2 - no
 - c) restrict prostitution? 1 - yes 2 - no
 - d) restrict activities related to prostitution? 1 - yes 2 - no
 - e) eliminate the most visible and/or most controversial aspects of prostitution (cleaning up the streets, eliminating certain types of prostitution, and so on)? 1 - yes 2 - no
- 19) Which of the objectives mentioned in the preceding question can be met using current interpretations of legislation and legal precedents?
- a) 1 - yes 2 - no
 - b) 1 - yes 2 - no
 - c) 1 - yes 2 - no
 - d) 1 - yes 2 - no
 - e) 1 - yes 2 - no
- 20) In the cases on which you have ruled where the accused was a prostitute, indicate for each charge (Criminal Code section or municipal by-law)
- a) what evidence the crown had to submit in order for you to bring down a guilty verdict
 - b) what defence the accused's lawyer would need to put forward to obtain an acquittal
 - c) what proportion of the accused
 - 1. pleaded guilty when they appeared _____ %
 - 2. were found guilty after trial _____ %
 - 3. were found not guilty after trial _____ %
- 21) In the cases on which you have ruled where the accused was a procurer, indicate for each charge (Criminal Code section or municipal by-law):
- a) what evidence the crown had to submit in order for you to bring down a guilty verdict
 - b) what defence the accused's lawyer would need to put forward to obtain an acquittal

- c) what proportion of the accused
1. pleaded guilty when they appeared _____ %
 2. were found guilty after trial _____ %
 3. were found not guilty after trial _____ %
- 23) In the cases on which you have ruled where the accused was a client, indicate for each charge (Criminal Code section or municipal by-law):
- a) what evidence the crown had to submit in order for you to bring down a guilty verdict
- b) what defence the accused's lawyer would need to put forward to obtain an acquittal
- c) what proportion of the accused
1. pleaded guilty when they appeared _____ %
 2. were found guilty after trial _____ %
 3. were found not guilty after trial _____ %
- 24) In cases where the accused pleads guilty when he or she appears, indicate the average sentence you would hand down, according to the charge, for
- a) prostitutes
 - b) procurers
 - c) facilitators
 - d) clients
- 25) In cases where you find an accused guilty, indicate the average sentence you would hand down, according to the charge, for
- a) prostitutes
 - b) procurers
 - c) facilitators
 - d) clients
- 26) When the accused is a prostitute, are your verdict and the sentence you hand down affected by
- a) the type of prostitute (male, female, homosexual, heterosexual, transvestite)?
1. no
 2. yes - how?
- b) the form of prostitution practised?
1. no
 2. yes - how?
- 27) Indicate what factors, other than those mentioned earlier, affect the sentences you hand down in the case of
- a) prostitutes
 - b) procurers
 - c) facilitators
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28) What do you estimate the rate of recidivism to be among

- | | | |
|-----------------|-------|---|
| a) prostitutes | _____ | % |
| b) procurers | _____ | % |
| c) facilitators | _____ | % |
| d) clients | _____ | % |

29) Do you consider the sentences you hand down to be

- a) dissuasive?
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30) Do you ever hand down a sentence involving a period long enough for rehabilitation, in an institution or with an organization offering such services?

- 1. no (go on to 32)
- 2. yes (specify)

31) In such cases, does the proportion of recidivists seem smaller?

- 1. yes
- 2. no

B. Public agencies and private groups: control and assistance

32) To your knowledge, are there public agencies or private groups which provide services aimed at controlling prostitution (such as "AA"-type programs to rehabilitate prostitutes or clients)?

- 1 - no
- 2 - yes

a) What are these public agencies or private groups?

b) What are their objectives and what type of action do they take?

c) Which individuals involved in prostitution do these agencies or organizations seek to control?

1. Prostitutes	1 - yes	2 - no
----------------	---------	--------

Types:

2. Procurers	1 - yes	2 - no
--------------	---------	--------

3. Facilitators	1 - yes	2 - no
-----------------	---------	--------

4. Clients	1 - yes	2 - no
------------	---------	--------

d) How successful are they?

e) Do you refer accused individuals to them?

- 1. no
- 2. yes

f) Which individuals, when, and why?

- g) Is such a referral part of the sentence itself,
or might it serve as an alternative?
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DESIRED CHANGES

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 - b) all forms of prostitution should be treated the same way?
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 - b) plan shelters, training programs, psychological or financial assistance, and so on for prostitutes who wish to leave the occupation?
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 - c) consider very harsh sentences to dissuade individuals from prostituting themselves?
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- 40) If criminalization were selected should sentences
- a) be harsher, the same, or lighter?
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- 41) If criminalization were selected, should legislation be at the
- a) federal (national) level?
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 - c) local (municipal) level?
 - d) a combination (specify)
- 42) Can you identify other approaches which you would consider essential if criminalization were the chosen option?

- 43) Can you identify other approaches which you would consider essential if decriminalization were the chosen option?
- 44) If legalization were selected, should permits be granted
 - 1 - to prostitutes?
 - 2 - to establishments?
 - 3 - to both?
- 45) If legalization were selected, which government should be the regulatory agency?
 - a) the federal government
 - b) provincial governments
 - c) municipalities
 - d) other (specify)

B. General advantages and disadvantages of the possible options

The following section consists of arguments often put forward for or against one or more of the possible options. Indicate which you agree with and which you disagree with.

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 - 1 - yes
 - 2 - no
- 47) To legalize prostitution would be to institutionalize it; that way the government would become a procurer.
 - 1 - yes
 - 2 - no
- 48) Decriminalization would not protect prostitutes from having a criminal record; only the charge would be different. Consequently, it would not be any easier for them to reintegrate themselves into society.
 - 1 - yes
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- 49) Criminalization infringes upon the right of prostitutes to use their bodies as they wish.
 - 1 - yes
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2 - no (explain)
- 51) No one solution would make it possible to eliminate prostitution (or to reduce it) as long as prostitutes have financial problems which drive them into the occupation.
1 - yes (explain)
2 - no (explain)
- 52) Legalization eliminates the need for procurers because prostitutes would be protected.
1 - yes (explain)
2 - no (explain)
- 53) Legalization would make possible
- | | | |
|-----------------------------|-----|----|
| a) easier law enforcement | yes | no |
| b) "clean" streets | yes | no |
| c) better health conditions | yes | no |
- 54) The fines collected under criminalization could be used to rehabilitate prostitutes in the same way as could profits from legalized prostitution.
1 - yes
2 - no
- 55) Legalization of prostitution is abhorrent. It exploits the vulnerability of those who are driven to prostitution and it gives them an abject view of themselves.
1 - yes
2 - no
- 56) The social stigma associated with prostitutes would be as strong under criminalization as it would under legalization.
1 - yes
2 - no

C. The optimum solution

- 57) In your view, what is the best of the three options?
1 - criminalization
2 - decriminalization
3 - legalization

- 58) What advantages do you see in this solution
- a) for society as a whole?
 - b) for prostitutes?
 - c) as far as law enforcement is concerned?
- 59) No solution is perfect. What disadvantages do you see in the solution you have chosen?
- 60) Do you anticipate problems in applying this option?
- 1 - no
 - 2 - yes - Indicate what potential problems might be.
- 61) What would be the insurmountable problems posed by the rejected solutions.

APPENDIX 5

Interview sheet for social agencies

1. Does the agency provide services specifically for adult prostitutes?
 - a) If not
 - are there prostitutes among your regular clients, and what services do they require?
 - should services be offered specifically for prostitutes and, if so, why and to which individuals?
 - are you currently considering a program for prostitutes and, if so, can you describe it?
 - b) If yes
 - identify the services provided and who uses them
 - what are the program objectives?
 - what results have been achieved?
 - should the services offered be diversified or expanded? If so, how?
2. Are you familiar with current legislation governing activities related to prostitution? If so, specify the aspects with which you agree or disagree.
3. Do you consider decriminalization and legalization to be interesting options? Explain.

APPENDIX 6

Interview sheet for directors of municipal legal departments

1. Are there current municipal by-laws in your city designed to control prostitution directly or indirectly?
 - a) If not
 - why not?
 - Are any being prepared? If so, what are the objectives of such proposed by-laws?
 - b) If so
 - which by-laws?
 - what are their objectives?
 - why and under what circumstances were they passed?
 - have they been contested as yet? If so, when and on what grounds?
 - are any being prepared? If so, what are the objectives of such proposed by-laws?
 - when a by-law is contested, do you prepare another in case the original one is repealed?
2. Do you think activities related to prostitution can be controlled more effectively through municipal by-laws than through Criminal Code legislation? Why or why not?
3. Have you been instructed to consider by-laws governing activities related to prostitution in the event that it is legalized?
 - a) If not, what position do you think your city would take?
 - b) If so, what was the outcome of your study?

APPENDIX 7

Interview sheet for police supervisors

1. Organization and operation of morality squads
 - personnel (numbers, selection standards, projected term of office)
 - territories
 - objectives
 - priorities
2. Existence of political, administrative, or police pressure (from superiors) in the area of cases related to prostitution
 - Where applicable, specify the type of pressure and how it is exerted.
3. Existence of complaints related to prostitution
 - Where applicable, specify the forms, sources, targets and objectives of such complaints.
4. Existence of directives on enforcing certain laws more or less stringently
 - Where applicable, specify the forms, sources, and goals of these objectives.
5. Verification of certain data, as required, where there are differences of opinion among subordinates
6. Administration of certain parts of the standard police questionnaire, where applicable



ANNEXE 8

Règlement
By-law

5464

Règlement interdisant de se tenir
dans un endroit public aux fins de
la prostitution ou d'y aborder une
personne à ces fins.

By-law to forbid any person to re-
main in a public place for purpo-
ses of prostitution or to approach
another person for the same pur-
poses in such place.

CODIFICATION

(Juillet 1981)

CONSOLIDATION

(July 1981)

Tel que modifié par
les règlements suivants:

As amended by the fol-
lowing by-laws:

No

5697

Date

15-06-1981

CODIFICATION PAR:

Etude légale (S.P.C.U.M.)
Juillet 1981

CONSOLIDATION BY:

Etude légale (S.P.C.U.M.)
July 1981



Règlement
By-law 5464

Règlement interdisant de se tenir dans un endroit public aux fins de la prostitution ou d'y aborder une personne à ces fins.

A la séance du conseil de la Ville de Montréal, tenue le 26 mai 1980,

le conseil décrète:

ATTENDU que des personnes se tiennent dans des endroits publics aux fins de la prostitution, qu'elles y abordent d'autres personnes ou qu'elles y sont abordées à ces fins;

ATTENDU que les activités ci-haut décrites ont pour effet de gêner et d'incommoder les personnes qui circulent dans certaines rues de la ville ou qui se trouvent dans d'autres endroits publics où ces activités se produisent, tels des parcs et des établissements où l'on exploite un permis d'alcool;

ATTENDU que les activités ci-haut décrites ont aussi pour effet de favoriser le développement de la criminalité et, notamment, la prolifération des maisons de prostitution, de désordre, de rendez-vous et d'autres endroits malfamés;

ATTENDU qu'il y a lieu d'assurer que le domaine public serve aux fins auxquelles il est destiné et de permettre, ainsi, aux citoyens d'exercer leur droit d'y circuler librement et paisiblement;

By-law to forbid any person to remain in a public place for purposes of prostitution or to approach another person for the same purposes in such place.

At the meeting of the conseil de la Ville de Montréal held on May 26, 1980,

the conseil ordained:

WHEREAS there are persons who remain in public places for purposes of prostitution, or who approach or are approached by other persons for the same purposes in such places;

WHEREAS the activities mentioned above do embarrass and disturb persons passing on certain streets of the city or who are present in other public places where such activities occur, such as in parks or in establishments operating with a liquor permit;

WHEREAS the activities mentioned above also increase the development of criminality, and especially the number of brothels, disorderly or rendezvous establishments and other places of ill repute;

WHEREAS it is necessary to ensure that the public domain will be used for the purposes for which it is intended and accordingly that citizens be allowed to exercise their right to move about freely and peacefully on the public domain.

5464

- 2 -

5464

ATTENDU qu'il y a lieu d'interdire dans les endroits publics toute activité qui favorise le développement de la criminalité;

1.1 Il est interdit de se tenir dans un endroit public aux fins de la prostitution ou d'y aborder une personne à ces fins.

1.2 Il est interdit d'aborder une personne dans un endroit public pour lui offrir une somme d'argent en contrepartie de services de caractère sexuel ; et (5697)

1.3 Aux fins des paragraphes 1.1 et 1.2, l'expression "endroit public" comprend tout lieu auquel le public a accès de droit ou sur invitation expresse ou implicite. (5697)

2.0 Quiconque contrevient au présent règlement commet une infraction et est passible

2.1 pour une première infraction, d'une amende d'au plus cent dollars (\$ 100,00), avec ou sans frais,

2.2 pour une deuxième infraction, dans une période de douze (12) mois, d'une amende d'au moins cent dollars (\$ 100,00) et d'au plus cinq cents dollars (\$ 500,00), avec ou sans frais,

2.3 pour toute infraction subséquente dans la même période, d'une amende d'au moins cinq cents dollars (\$ 500,00) et d'au plus mille dollars (\$ 1 000,00), avec ou sans frais,

2.4 et, à défaut du paiement de l'amende ou de l'amende et des frais dans un délai d'au plus quatre-vingt-dix (90) jours, d'un emprisonnement d'au plus soixante (60) jours, cet emprisonnement devant toutefois cesser dès le paiement de l'amende ou de l'amende et des frais, selon le cas.

WHEREAS it is necessary to forbid in public places any activity which encourages the development of criminality:

1.1 It is forbidden to remain in a public place for purposes of prostitution or to approach another person for the same purposes in such place.

1.2 It is forbidden to approach a person in a public place for the purpose of offering that person an amount of money in compensation for services of a sexual nature ; and (5697)

1.3 For the purposes of paragraphs 1.1 and 1.2 above, the expression "public place" shall include any place to which the public has access, whether by right or by explicit or implicit invitation. (5697)

2.0 Any person contravening this by-law commits a violation and is liable

2.1 for a first violation, to a fine of not more than one hundred dollars (\$ 100,00), with or without costs,

2.2 for a second violation within a period of twelve (12) months, to a fine of at least one hundred dollars (\$ 100,00) but not more than five hundred dollars (\$ 500,00), with or without costs,

2.3 for any subsequent violation within the same period, to a fine of at least five hundred dollars (\$ 500,00) but not more than one thousand dollars (\$ 1 000,00), with or without costs,

2.4 and failing payment of the fine or of the fine and costs within a period not exceeding ninety (90) days, to imprisonment for a maximum of sixty (60) days, such imprisonment, however, to cease immediately upon payment of the fine or fine and costs, as the case may be.

ANNEXE 9



Règlement
By-law

6249

Règlement modifiant le règlement pour empêcher que les piétons ou la circulation ne soient entravés et la paix publique troublée dans les rues, ruelles et places publiques de la Cité (333, 372, 1253, 1873, 1894, 2338, 3859, 5465, 5728, 5764 et 5901).

À la séance du Conseil de la Ville de Montréal, tenue le 17 octobre 1983,

le Conseil décrète:

1. — L'article 3a. du règlement pour empêcher que les piétons ou la circulation ne soient entravés et la paix publique troublée dans les rues, ruelles et places publiques de la Cité (333, modifié) est remplacé par l'article suivant:

«3a. À moins qu'un règlement de la Ville ne l'autorise, il est interdit de se tenir sur le domaine public ou sur toute partie extérieure de la propriété privée située à moins de six (6) mètres du domaine public pour offrir, moyennant considération, ses services ou ceux d'autrui à toute personne, l'inviter à entrer ou se rendre à une place d'affaires, la photographier sans son consentement ou lui offrir de la photographier, lui remettre un coupon ou un certificat permettant d'obtenir un article, une marchandise ou un service quelconque avec ou sans autre considération, ou obtenir sa clientèle pour soi ou pour autrui.»

By-law amending the by-law to prevent the obstruction of pedestrians or traffic and the disturbance of the public peace in the streets, lanes, highways and public places in the City (333, 372, 1253, 1873, 1894, 2338, 3859, 5465, 5728, 5764 and 5901).

At the meeting of the Conseil de la Ville de Montréal held on October 17, 1983,

the Conseil ordained:

1. — Article 3a. of the by-law to prevent the obstruction of pedestrians or traffic and the disturbance of the public peace in the streets, lanes, highways and public places in the City (333 as amended) is replaced by the following article:

"3a. Unless authorized under a by-law of the Ville, no person shall use the public domain or any exterior part of private property located less than six (6) meters from the public domain for the purpose of offering, for a consideration, one's services or the services of others to any persons, of inviting them to enter or go to a business establishment, of photographing them without their consent or offering to photograph them, of giving them any coupon or certificate entitling them to any item, merchandise or service of any kind, with or without further consideration, or of obtaining their custom for one's self or for others."



RÈGLEMENT
BY-LAW

333

Règlement pour empêcher que les piétons ou la circulation ne soient entravés et la paix publique troublée dans les rues, ruelles et places publiques de la Cité.

By-law to prevent the obstruction of pedestrians or traffic and the disturbance of the public peace in the streets, lanes, highways and public places in the City.

Adopté par le Conseil le 19 juin 1905, tel qu'il a été modifié par les règlements suivants:

Adopted by Council on June 19th, 1905, as amended by the following by-laws:

Tel que modifié par les règlements suivants:

As amended by the following by-laws:

<u>N°</u>	<u>Date</u>
372	23-12-1907
1253	22- 9-1933
1873	18- 5-1943
1894	2-11-1948
2338	6- 9-1956
3859	18- 6-1969
5465	26- 5-1980
5728	16-7-1981
5764	22-9-1981
5901	18-5-1982

CODIFICATION PAR:

Yvon Hamel,
Section Développement et Organisation.

POUR LE CONTROLE DE:

Section Etude légale

Section 1. — Il est défendu à toute personne ou personnes de gêner ou entraver les piétons ou la circulation en stationnant, rôdant ou flânant dans les rues, voies publiques ou ruelles, sur les trottoirs, pavages ou places publiques de la cité de Montréal, et en refusant, sans excuse suffisante de circuler, lorsque requise ou requises de ce faire par tout constable ou agent de la paix.

Section 2. — Il est défendu à toute personne ou personnes de faire du tapage ou du bruit dans ou près d'une ruelle, voie ou place publique de la dite cité par des clameurs ou chants désordonnés ou par des sifflements, ou par usage de langage insultant.

Section 2a. — Toute personne qui est trouvée gisant ou flânant ivre dans les rues, ruelles, places publiques, champs, cours et autres endroits de la cité, sera passible de la pénalité après édictée. (Tel qu'ajouté par le règlement 372).

Section 2aa. — Il est défendu de consommer des boissons alcooliques en tout endroit du domaine public

a) dans un café-terrasse installé sur le domaine public, où la vente de boissons alcooliques est autorisée par la loi,

b) à l'occasion d'un repas en plein air dans la partie d'un parc où la Ville installe des tables de pique-nique,

c) dans les circonstances ou à l'occasion d'événements, de fêtes ou de manifestations, et suivant les conditions que le comité exécutif détermine par ordonnance. (5465)

Section 1. — It shall be unlawful for any person or persons to obstruct pedestrians or traffic by standing or loitering upon the streets, highways, lanes, sidewalks, pavements or public places of the City of Montréal, and by refusing without sufficient excuse to move on, when required so to do by any constable or peace officer.

Section 2. — It shall be unlawful for any person or persons to cause any disturbance or noise in or near any street, lane, highway or public place in the said City by disorderly shouting or singing, or by swearing, or by using insulting language.

Section 2a. — Every person found lying or loitering in a state of intoxication in the streets, lanes, public places, fields, yards or other places in the City, shall be liable to the penalty hereinafter provided. (As added by by law 372).

Section 2aa. — It shall be unlawful to consume alcoholic beverages anywhere on the public domain except

a) in a terrace-café established on the public domain where the sale of alcoholic beverages is authorized by law,

b) in the case of an outdoor meal taking place in a part of a park where the Ville provides picnic tables, or

c) under circumstances or in the case of events, festivities or celebrations, the whole subject to conditions to be determined by ordinance by the comité exécutif. (5465)

Section 2b. — Toute personne qui errera ou flânera la nuit dans les rues, ruelles, champs, cours, ou autres endroits dans la cité et qui ne pourra rendre un compte satisfaisant d'elle-même ou refusera de le faire, sera aussi passible de la pénalité ci-après édictée. (Tel qu'ajouté par le règlement 372).

Section 2c. — Il est défendu à toute personne, lorsqu'elle est en possession d'un fusil à vent, d'un pistolet à vent, d'un lance-pierres, d'un arc ou d'un autre instrument de ce genre, de jouer, de rôder ou de flâner sur les rues, ruelles, allées, trottoirs ou places publiques dans la cité. (1873-2338).

Section 2d. — Est coupable d'une infraction qui constitue une nuisance et trouble la paix et la sécurité publiques, toute personne qui, ayant reçu l'ordre de cesser de le faire d'un agent de la paix, continue ou répète un acte en violation d'une disposition d'un règlement ou d'une loi, sur la voie publique, dans toute partie du domaine public de la Ville ou dans tout endroit où le public a accès. (1859).

3. — À moins qu'un règlement de la Ville ne l'autorise, il est interdit d'exhiber, de distribuer, de vendre, d'offrir ou d'exposer en vente des articles ou marchandises quelconques, des billets, livres ou autres imprimés sur le domaine public.

Malgré le premier alinéa, il est permis à un marchand de fleurs d'exposer en vente des fleurs naturelles le long du mur de façade de son établissement, pourvu que cette exposition n'empiète pas de plus de 1 mètre sur le trottoir.

Sous réserve du Code de la sécurité routière (1981 L.Q., c. 7), les camelots sont autorisés à vendre des journaux sur le domaine public.

(5728, 5764, 5901)

Section 2b. — Every person loitering or loitering at night in the streets, lanes, fields, yards or other places of the City and who cannot satisfy any account for his presence there or refuses to do so shall also be liable to the penalty hereinafter provided. (As added by by-law 372).

Section 2c. — No person in possession of an air rifle, an air pistol, a sling-shot, a bow or other similar device shall play, stroll or loiter in the streets, lanes, alleys, sidewalks or public places of the City (1873-2338).

Section 2d. — Shall be guilty of a violation which constitutes a nuisance and affects the public peace and security, any person who, after being ordered by an officer of the peace to stop doing some act, continues or repeats such act in violation of a provision of a by-law or a law, on the street, in any part of the public domain of the City or in any place where the public has access. (1859)

3. — Unless authorized by a by-law of the Ville, it is prohibited to exhibit, distribute, sell, offer or expose for sale any articles or merchandise, tickets, books or other printed matter on the public domain.

Notwithstanding the first paragraph, a flower merchant shall be allowed to expose natural flowers for sale along the back wall of his establishment provided that such exposition does not encroach by more than 1 meter on the sidewalk.

Subject to the Highway Code (1981 Q.S., c. 7), newshaws are authorized to sell newspapers on the public domain.

(5728, 5764, 5901)

333

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No. 333

Section 3a. — Il est défendu à toute personne d'accoster les passants dans les rues ou places publiques de la cité, pour les inviter à entrer dans les magasins ou autres établissements d'affaires, les photographier avec ou sans leur consentement, leur donner des coupons ou certificats indiquant qu'ils peuvent réclamer ou obtenir ailleurs, avec ou sans considération, des photographies ou marchandises, ou de solliciter de toute autre manière la clientèle de ces passants ou de toute autre personne, soit à la porte d'un magasin ou autre établissement similaire, soit sur les trottoirs, soit dans tout autre endroit public de ladite cité. (Tel que remplacé par le règlement 1894).

Section 3a. — No person shall accost passers-by in the streets or public places in the City for the purpose of inviting them to enter stores or other commercial establishments, of photographing them, with or without their consent, of giving them coupons or certificates indicating that they may claim or obtain elsewhere, with or without consideration, photographs or merchandise, nor shall otherwise solicit the custom of such passers-by or of any other person, either at the door of a store or other commercial establishment, or on the sidewalks or in any other public place in the said City. (As replaced by by-law 1894).

Section 4. — Un agent de la paix peut, sans mandat, saisir toute chose saisissable sur le domaine public en contravention au présent règlement. (1253) (5465)

Section 4. — A peace officer may, without a warrant, seize anything used on the public domain which contravenes this by-law. (1253) (5465)

Section 5. — Quiconque contre- vient à la section 2b commet une infraction et est passible

Section 5. — Any person contra- vening section 2b shall be guilty of a violation and shall be liable

a) pour une première infraction d'une amende d'au plus deux cents dollars (\$ 200.00), avec ou sans frais,

a) for a first violation, to a fine of not more than two hundred dollars (\$ 200.00), with or without costs,

b) pour une deuxième infraction dans une période de douze (12) mois, d'une amende d'au moins deux cents dollars (\$ 200.00), et d'au plus cinq cents dollars (\$ 500.00), avec ou sans frais,

b) for a second violation within a twelve (12) month period, to a fine of at least two hundred dollars (\$ 200.00) and not more than five hundred dollars (\$ 500.00), with or without costs.

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No. 333

c) pour toute infraction subséquente dans la même période, d'une amende d'au moins cinq cents dollars (\$ 500,00), et d'au plus mille dollars (\$ 1 000,00), avec ou sans frais,

et d'un emprisonnement d'au plus six (6) mois, à défaut du paiement de l'amende ou de l'amende et des frais dans un délai d'au plus quatre-vingt-dix (90) jours, cet emprisonnement devant toutefois cesser dès le paiement de l'amende ou de l'amende et des frais, selon le cas. (5465)

Section 6. — Quiconque contre- vient à une disposition autre que celle de la section 2b commet une infraction et est passible

a) pour une première infraction d'une amende d'au plus cent dollars (\$ 100,00), avec ou sans frais,

b) pour une deuxième infraction à la même disposition, dans une période de douze (12) mois, d'une amende d'au moins cent dollars (\$ 100,00) et d'au plus cinq cents dollars (\$ 500,00), avec ou sans frais,

c) pour toute infraction subséquente à la même disposition, dans la même période, d'une amende d'au moins cinq cents dollars (\$ 500,00) et d'au plus mille dollars (\$ 1 000,00), avec ou sans frais,

et d'un emprisonnement d'au plus soixante (60) jours, à défaut du paiement de l'amende ou de l'amende et des frais dans un délai d'au plus quatre-vingt-dix (90) jours, cet emprisonnement devant toutefois cesser dès le paiement de l'amende ou de l'amende et des frais, selon le cas. (5465)

c) for any subsequent violation within the same period of time, to a fine of at least five hundred dollars (\$ 500,00), and not more than one thousand dollars (\$ 1 000,00), with or without costs,

and to a term of imprisonment not to exceed six (6) months, failing payment of the fine or of the fine and costs within a maximum of ninety (90) days, such imprisonment to cease, however, immediately upon payment of the fine or fine and costs, as the case may be. (5465)

Section 6. — Any person contravening a provision other than that covered by section 2b shall be guilty of a violation and shall be liable

a) for a first violation, to a fine of not more than one hundred dollars (\$ 100,00), with or without costs,

b) for a second violation of the same provision within a twelve (12) month period, to a fine of at least one hundred dollars (\$ 100,00) and not more than five hundred dollars (\$ 500,00), with or without costs,

c) for any subsequent violation of the same provision within the same period of time, to a fine of at least five hundred dollars (\$ 500,00) and not more than one thousand dollars (\$ 1 000,00), as the case may be,

and to a term of imprisonment not to exceed sixty (60) days, failing payment of the fine or of the fine and costs within a maximum of ninety (90) days, such imprisonment to cease, however, immediately upon payment of the fine or fine and costs, as the case may be. (5465)

APPENDIX 11
NO. 1573

By-law concerning massage establishments and masseurs and to amend By-law No. 1006.

(Adopted by the Executive Committee on the 9th June 1939 and, by the Council, on the 16th August 1939).

At a meeting of the Executive Committee of the City of Montreal, held at the City Hall, on the 9th day of June 1939, in the manner and after the observance of the formalities prescribed by law, at which meeting were present: Alderman Savignac, Chairman, Dupuis, Coupal and Kerry, members of said Committee,

It was ordained and enacted by the said Committee as follows:

CHAPTER 1

DEFINITIONS

ARTICLE 1. - Wherever the following words occur in this by-law, they shall, unless the context otherwise requires, be understood as follows : -

a) The words "massage" shall mean and include any process consisting in kneading, rubbing or otherwise manipulating the skin of the body of a human being, either with the hand or by means of electric instruments or apparatus, or other special apparatus; but the words "massage" as used in this by-law, shall not mean nor include massage for therapeutic purposes practised by persons authorized by law, in the exercise of their profession, nor massage of the face practised in beauty parlors, barber shops, hair dressing parlors or other establishments mentioned in By-law No. 1006, as amended.

b) The words "massage establishment" shall mean and include any premises or part thereof where massage, as defined in paragraph (a) of this article, is practised.

c) The word "masseur" shall mean a masseur or masseuse or a person practising massage, as defined in paragraph (a) of this article.

d) The word "linen" shall mean and include the towels, bed-sheets, pillow-cases, washable fabrics and other similar articles in use in massage establishments.

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CHAPTER 11

CERTIFICATE OF COMPETENCY, PERMIT, LICENSE, INSPECTION Etc.

ARTICLE 2. - No person shall exercise the trade of masseur and shall act as masseur in any massage establishment or elsewhere without having previously obtained a license to that effect from the City and without having paid to the Director of Finance the sum fixed for the granting of such license by By-law No. 432, as amended, and without having produced the identification card issued to him by the City. Such license shall be issued by the Director of Finance only upon a written declaration from the Directors of the Department of Health and of the Police Department or upon the issuing, by the latter, of a license permit attesting that they have no objection to the granting of said license.

ARTICLE 3. - No person, company, firm or corporation shall keep or operate any massage establishment, in the City, without having first obtained a license from the Director of Finance, for which the sum mentioned in By-law No. 432 concerning taxes etc., as amended, shall be paid. Such license shall be issued by the Director of Finance only upon a written declaration from the Building Inspector and from the Directors of the Department of Health and of the Police Department or upon the issuing, by the latter, of a license permit attesting that they have no objection to the granting of such license.

ARTICLE 4. - The Director of the Department of Health shall not issue any permit under article 2, unless the person applying for a license to exercise the trade of masseur or act as such be the holder of a certificate of competency from an institution or association where massage is taught and practised and which is recognized by the Department of Health. In case the applicant for a permit to exercise the trade of masseur should fail to produce such a certificate of competency, he or she shall, in order to obtain a permit, furnish, to the satisfaction of the Department of Health, written proofs that he or she has the qualifications required and at least 3 years experience in the trade of masseur.

Every person who applies for a license permit must, moreover, have obtained a "health card" from the Department of Health, but such card must not have been issued more than 30 days before the date of such application.

ARTICLE 5. - Every person who keeps or operates a massage establishment and who acts as masseur in such establishment or elsewhere in the City shall pay to the Director of Finance the sum mentioned in By-law No. 432, as

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amended, in addition to the fee exigible for his license to keep or operate a massage establishment.

ARTICLE 6. - The licenses issued under this by-law shall be personal and untransferable and shall be renewed each year, in the first week of the month of May.

ARTICLE 7. - The inspectors of the Department of Health shall be admitted, at any time, for inspection purposes, in massage establishments.

ARTICLE 8. - The persons, companies, firms or corporations keeping or operating a massage establishment shall be responsible for the acts of their masseurs and employees in the exercise of their trade.

ARTICLE 9. - The aforesaid persons, companies, firms or corporations shall: -

a) post up in a conspicuous place, inside and outside of their establishment, the title, firm-name or corporate name under which they have obtained their license;

b) furnish to the City, monthly and whenever required to do so by the Department of Health or the Police Department, the name and address of each masseur in their employ;

c) give immediate notice to the Directors of the Department of Health and of the Police Department of any change of address of their establishment in case they should move into other premises or abandon their business;

d) employ in their establishment none but masseurs who have obtained a license from the City and who have complied with the provisions of this by-law;

e) keep a register of the names and addresses of their customers with the dates of the treatments and allow the officials of the Department of Health and of the Police Department to examine, at any time, such register;

f) post up in a conspicuous place the license authorizing them to keep a massage establishment, as well as the licenses of the masseurs in their employ;

g) have themselves registered under their real name at the business firms registration office of the District of Montreal if they do business under a firm, corporate or company name, and deliver to the Director of Finance a certificate of such registration prior to the granting of their license by the City.

ARTICLE 10. - No person to whom a masseur's license has

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been granted shall practise massage on any person who is not of his or her sex.

ARTICLE 11. - However, upon a written prescription issued by a physician duly qualified to practise as such in the Province of Quebec, any person who is the holder of a masseur's license under this by-law may practise massage on a person not of his or her sex, in a massage establishment. Such prescription shall mention the full name of the customer or patient, and specify the number of treatments to be given, and shall be dated and numbered. Moreover, the date and hour of the treatment, as well as the name of the masseur, shall be recorded on the back of the prescription and such prescription may be examined, at any time, by the officers or officials of the Police Department.

ARTICLE 12. - It shall be unlawful: -

a) To set up a massage establishment in a dwelling, premises or place not approved by the Department of Health and the Police Department and by the Building Inspector;

b) To exercise the trade of masseur or to advertise as such without having obtained a license from the City, in accordance with the provisions of this by-law;

c) To keep or operate a massage establishment under a fictitious or assumed name;

d) To keep or operate a massage establishment which is not in accordance with the provisions of this by-law.

CHAPTER III

SANITATION

ARTICLE 13. - All premises used as a massage establishment shall be properly lighted and ventilated and shall not be used for any other purposes.

ARTICLE 14. - The walls, ceilings, furniture and other objects, in massage establishments, shall be constantly kept clean and free from dust.

ARTICLE 15. - The floors shall be carefully swept or washed daily.

ARTICLE 16. - Every massage establishment shall be provided with a hot and cold water distribution system to supply the wash-basins, baths and showers.

The wash-basins shall be installed in the room where customers are massaged.

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Moreover, massage establishments shall be equipped with at least one bath or shower, accessible or contiguous to the room where massage is practised and used exclusively for the purposes of such establishments. There shall also be satisfactory water closet accommodation.

The plumbing shall be installed in accordance with the provisions of By-law No. 1341, as amended.

CHAPTER IV

PROPHYLAXIS AND CLEANLINESS

Article 17. - In case the owner, the manager or an employee of a massage establishment should have been affected with any of the contagious diseases mentioned in article 76 of the Quebec Public Health Act, Revised Statutes of Quebec, 1925, chapter 186, or with any other disease which the Lieutenant-Governor in Council shall have designated by by-law, such owner, manager or employee shall not enter the said establishment until a permit authorizing him to do so has been granted to him by the Department of Health of the City.

ARTICLE 18. - It is forbidden to admit into any massage establishment any person suffering from any of the contagious diseases mentioned in article 76 of the Quebec Public Health Act, Revised Statutes of Quebec, 1925, chapter 186, or from any other disease which the Lieutenant-Governor in Council shall have designated by by-law, or who has been in contact with a contagious case.

ARTICLE 19. - All persons exercising the trade of masseur must have been successfully vaccinated against smallpox since less than seven years.

ARTICLE 20. - All beds, mattresses and pillows and all linen used for massaging shall be kept in a good state of cleanliness; all the instruments used for massaging or any other similar articles shall be thoroughly cleaned and sterilized immediately after each separate use.

Mattresses and pillows shall be covered with a sheet of rubber or of equivalent material.

ARTICLE 21. - All linen, including towels and sheets, shall be used only for one person.

All linen shall, after each service, be immediately placed in a special container for linen to be laundered.

ARTICLE 22. - All linen shall be washed in water heated

Original page no. 243

to a temperature of at least 200°. This shall not, however, be necessary when the linen is subjected to a temperature of not less than 200° during the drying or ironing process.

ARTICLE 23. - The persons exercising the trade of masseur and the employees of massage establishments shall wash their hands with hot water, soap and scrub them carefully before attending a customer.

ARTICLE 24. - It shall be unlawful to use sponges in massage establishments.

CHAPTER V

RENEWAL AND CANCELLATION OF LICENSE, AMENDMENT TO BY-LAW No. 1006 AND PENALTY

ARTICLE 25. - The Directors of the Department of Health and of the Police Department shall refuse to issue or to renew a license permit if the person, firm, company or corporation keeping or operating a massage establishment fails to comply with any of the provisions of this by-law, or makes a false declaration in his or its application for such permit, or fails or refuses to furnish, within a delay of three days, the information asked for by the said Department or refuses, at any time, to allow his or its establishment to be visited and inspected.

ARTICLE 26. - Every license issued under this by-law may be revoked and annulled by the Executive Committee of the City, on the recommendation of the Director of the Department of Health and of the Director of the Police Department, for any infraction of any provisions of this by-law, or in the event of the holder of such license failing or refusing to comply with a notice from the Department of Health or the Police Department within the delay prescribed in said notice.

ARTICLE 27. - By-law No. 1006 is amended by striking out the words "massage establishments" in the title and in articles 1, 2 and 4 thereof.

ARTICLE 28. - Any person infringing any of the provisions of this by-law shall be liable to a fine with or without costs, and, in default of immediate payment of said fine with or without costs, as the case may be, to an imprisonment, the amount of said fine and the term of said imprisonment to be fixed by the Recorder's Court of the City of Montreal at its discretion; but such fine shall not exceed forty dollars and the imprisonment shall not be for a longer period than sixty days; the said imprisonment,

Original page no. 254

however, to cease at any time before the expiration of the term fixed by the said Recorder's Court upon payment of the said fine, or fine and costs, as the case maybe; and if the infringement of this by-law continues, the offender shall be liable to the fine and penalty above mentioned for each day during which the infringement is continued.

At a special meeting of the City Council of Montreal, held at the City Hall, on the 16th August 1939, in the manner and after the observance of the formalities prescribed in and by the Act of incorporation of the said City, at which meeting were present: Alderman Lesage, presiding member, in the Chair, His Worship the Mayor, Mr. Camillien Houde, Aldermen Schubert, Monette, Dupéré, Riel, Dupuis, Seigler, Taillefer, Caron, Goyette, Fillion, Dubreuil, Brien, Savignac, Lacombe, Bélanger, Rochon, Taillon, Barrière, Edmison, Coupal, Kerry, Durocher, Hamelin, Delisle, Katelle and Bélisle.

The above by-law was adopted without any amendment.

ANNEXE 12



Règlement
By-law 3642

Modification au règlement 1573
concernant les établissements
de massage et les masseurs.

A une séance du comité exécutif
de la ville de Montréal tenue le
21 février 1968 et à la séance du
conseil de la ville de Montréal
tenue le 8 mars 1968.

Il est décrété et statué comme
suit:

1. — L'article 2 du règlement
1573 est remplacé par le suivant:

"ARTICLE 2. — Personne ne
peut exercer le métier de mas-
seur ou agir comme masseur
dans un établissement de massa-
ge ou ailleurs sans avoir, au
préalable, obtenu un permis de
la ville à cet effet et sans avoir
payé, entre les mains du direc-
teur des finances, pour la ville,
le prix de ce permis tel que fixé
par règlement."

Amendment to By-law 1573 con-
cerning massage establishments
and masseurs.

At a meeting of the Executive
Committee of the City of Mont-
real held on February 21, 1968
and at the meeting of the Council
of the City of Montreal held on
March 8, 1968.

It was ordained and enacted as
follows:

1. — Article 2 of By-law 1573
is replaced by the following:

"ARTICLE 2. — No person
shall exercise the trade of mas-
seur or act as masseur in any
massage establishment or else-
where without having obtained
beforehand a permit to that ef-
fect from the City and without
having paid to the Director of
Finance, acting for the City, the
price of such permit as set by
by-law."

ANNEXE 13

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Taxation - Special provisions relating to taxes

Février 1984

SECTION 6
DISPOSITIONS SPÉCIALES AYANT TRAIT
AUX TAXES

DIVISION 6
SPECIAL PROVISIONS RELATING
TO TAXES

812. La ville peut imposer toute autre taxe autorisée par quelque disposition de la charte.
(366; 1937 c. 103, a. 45)

812. The city may impose any other tax authorized by any provision of the charter.
(366; 1937, c. 103, s. 45)

→ 813. Le comité exécutif peut, dans l'intérêt des bonnes mœurs ou de l'ordre public, refuser l'émission de tout permis ou licence ou annuler tout permis ou licence.
(365a; 1912, c. 54, a. 18; 1903, c. 62, a. 40; 1983, c. 59, a. 14)

813. The executive committee may, in the interest of good morals or public order, refuse to issue, or cancel any permit or licence.
(365a; 1912, c. 54, s. 18; 1903, c. 62, s. 40; 1983, c. 59, s. 14)

814. La ville peut, à la discrétion du conseil, aux conditions et selon les modalités qu'il détermine, imposer et percevoir sous forme de permis ou de licence, les taxes spéciales prévues par la section 3 du présent chapitre.
(365, ptie; 1938, c. 105, a. 9; 1979, c. 22, aa. 35, 72 et 82; 1983, c. 59, a. 15)

814. The city, in the discretion of the council, on such conditions and according to such modalities as the council may determine, may impose and levy in the form of a permit or licence the special taxes provided for in Division 3 of this chapter.
(365, pt; 1938, c. 105, s. 9; 1979, c. 22, ss. 35, 72 and 82; 1983, c. 59, s. 15)

815. La ville peut exiger, lors de la demande d'un permis ou d'une licence visée à l'article 814, un dépôt pour en garantir le paiement. Elle peut garder, à même ce dépôt, si la demande est subséquemment refusée, la proportion de la taxe correspondant à la période courue.
(365, ptie; 1938, c. 105, a. 9)

815. The city, when a permit or license provided for the article 814 is asked for, may require a deposit to guarantee the payment thereof. It may retain out of such deposit, if the application is subsequently refused, the proportion of the tax corresponding to the period elapsed.
(365, pt; 1938, c. 105, s. 9)

816. Lorsqu'un règlement municipal exigeant une licence ou un permis édicte une amende ou une autre peine pour infraction, la ville peut exercer la poursuite pénale et, pour le recouvrement de la taxe faisant l'objet de la licence ou du permis, la poursuite civile, même si le nom du défendeur n'est porté à aucun rôle.
(365; 1952-53, c. 65, a. 15; 1977, c. 77, a. 119)

816. When a municipal by-law imposing a licence or permit provides for a fine or other penalty for infringement, the city may take penal proceedings and, in recovery of the tax being the object of the licence or permit, civil proceedings, even when the name of the defendant does not appear on any roll. (365; 1952-53, c. 65, s. 15; 1977, c. 77, s. 119)

817. Le conseil peut, par règlement,

817. The council, by by-law, may

a) Sup., 1979, c. 72, a. 471.

a) St., 1979, c. 72, s. 471.

b) adopter les mesures qu'il juge nécessaires pour assurer la perception de toutes taxes spéciales, foncières ou autres;

b. take such measures as it deems necessary to enforce the collection of all special, real estate or other taxes;

c) prescrire les déclarations que les personnes sujettes au paiement de la taxe foncière, de la taxe d'affaires ou des taxes visées par les articles 801, 802, 803 et 805 doivent faire, même sous serment, en vue d'en faciliter la perception.

c. determine the declarations which persons obliged to pay real estate, business or any tax under articles 801, 802, 803 and 805 must make, even under oath, to facilitate the collection of such taxes.

Dans le cas de défaut d'une personne de faire une déclaration prescrite par le paragraphe c, le commissaire à l'évaluation évalue les matières imposables et son estimation est valide à toutes fins que de droit.
(372; 25-26 Geo. V, c. 113, a. 36)

On default by a person to make any declaration prescribed by paragraph c, the valuation commissioner shall estimate the matters subject to the tax and his estimate shall be valid for all lawful purposes. (372; 25-26 Geo. V, c. 113, s. 36)

Article 817

A. 336.

ANNEXE 14

156

1929

City of Quebec

CHAP. 95

	nitroglycerine et leurs produits, ainsi que d'autres matières combustibles ou explosives, dans les limites de la cité;	ne and any product thereof, and other combustible or explosive materials within the city;
Pétards, etc.	33° Pour réglementer ou défendre l'usage de pétards, torpilles, chandelles romaines, fusées volantes et autres pièces de feu d'artifice;	33. To regulate or prohibit the use of fire-crackers, torpedoes, roman candles, sky-rockets and other fire-works;
Bains et natation.	34° Pour réglementer les bains et la natation dans les eaux comprises dans les limites de la cité;	34. To regulate bathing and swimming in the waters comprised within the limits of the city;
Maisons de prostitution:	35° Pour supprimer les maisons de prostitution et de désordre, ainsi que les maisons mal famées et de rendez-vous dans les limites de la cité;	35. To suppress bawdy and disorderly houses and houses of ill-fame and assignation within the limits of the city;
Pour-zéro, etc.	36° Pour établir des fourrières, dont le conseil aura la surveillance et le contrôle; pour empêcher les chevaux, mulets, bestiaux, porcs, moutons, volailles, oies et autres animaux d'errer ça et là, pour en autoriser la saisie et la vente, et pour fixer le tarif des amendes pour la mise en fourrière desdits animaux;	36. To establish pounds under supervision and control of the council, to restrain the running at large of horses, mules, cattle, swine, sheep, poultry geese and other animals, and to authorize the distraining and sale of the same, and to fix a tariff of fines for such impounding;
Marchés, etc.	37° Pour établir des marchés et halles ou pour permettre qu'il en soit établi, moyennant un permis, ou pour adopter des règlements s'y appliquant; pour changer, augmenter ou diminuer l'emplacement de tout marché ou de toute place de marché, ou pour établir un nouveau marché ou une nouvelle place de marché ou pour abolir tout marché ou toute place de marché qui existe actuellement ou qui pourra exister plus tard dans la cité, et pour en faire servir l'emplacement, en tout ou en partie, à toute autre fin quelconque, à la discrétion du conseil; et pour fixer les droits qui seront prélevés sur les personnes qui vendent, sur ces marchés, des denrées ou produits de toute espèce, ou sur ces produits ou denrées, ou sur les voitures les contenant; «pour confier l'administration	37. To establish, license or regulate markets and market-places; to change, enlarge or diminish the site of any market or market-place, or to establish any new market or market-place, or to abolish any market or market-place now in existence or hereafter to be in existence in the city, and appropriate the site thereof, or any part of such site, for any other purpose whatever, at the discretion of the council; and to fix the rates to be levied on persons selling in the said markets any provisions or commodities whatsoever, or on the said provisions or commodities, or on the vehicles containing the same; des marchés et des halles à toute personne, société ou corporation;
Pain et boulangeries.	38° Pour réglementer la fabrication, la vente et le transport du pain; pour pourvoir à l'inspection du pain et des boulangeries; pour prescrire le poids et la qualité du pain; pour pourvoir à la saisie et à la confiscation du pain fabriqué, transporté, vendu, ou offert ou exposé en vente, contrairement aux règlements, ou n'ayant pas	38. To regulate the manufacture, sale and conveyance of bread; to provide for the inspection of bread and bakeries; to prescribe the weight and quality of the bread; to provide for the seizure and forfeiture of bread made, conveyed, sold or offered or exposed for sale contrary to the by-laws or which is not of the weight or qua-

1930 c 43
2 33 d)

Manufacture of bread, etc.

CITÉ DE QUÉBEC-CITY OF QUEBEC

CITÉ DE QUÉBEC,
District de Québec

CITY OF QUEBEC,
District of Quebec

-A savoir:
REGLEMENT No 26

Concernant les maisons désignées,
mal famées et de prostitution
(Rédigé en langue française)

A une assemblée du Conseil de Ville de la Cité de Québec, tenue à l'Hôtel de Ville, dans la dite Cité, le vingt-huitième jour de mars mil neuf cent treize (1913) conformément à la loi et un vote d'un règlement passé par le Conseil, en conséquence d'icelle, et après l'accomplissement exact de toutes les formalités prescrites par le statut en tel cas fait et pourvu, à laquelle assemblée sont présents la majorité absolue des membres composant ledit Conseil de la Cité de Québec, c'est à savoir:

Son Honneur le MAIRE,

Les Echevins CAMPBELL,
CANNON,
COLLIER,
COTE,
DINAN,
DUSSAULT,
EMOND,
FISSET,
GAUVIN,
GOSSELIN,
GUILLLOT,
LANTIER,
LAVIGNEUR,
LOCKWELL,
MADDEN,
MARTIN,
MORIN,
PLAMONDON,
POULIOT,
TRUDEL,
VERRET,

Lu pour la première fois le 14 mars 1913
Publié dans Le Soleil et le Chronicle
Lu pour la deuxième fois et passé le 25 mars 1913
Copie transmise à Son Hon. le Lieutenant-Gouverneur

To wit:
BY-LAW No 26

Concerning houses of prostitution, houses
of ill-fame or disorderly, or reputed such
(Drawn up in the French language)

At a meeting of the City Council of the City of Quebec, held at the City Hall, in the said City of Quebec, on the twenty-eighth day of March, One thousand Nine Hundred and thirteen (1913), in conformity to law and in virtue of a by-law passed by this Council pursuant thereto, and after the due observance of all the formalities prescribed by the statute in such case made and provided, at which meeting are present the absolute majority of the members composing the Council of the City of Quebec, that is to say:

His Worship MAYOR,

Aldermen CAMPBELL,
CANNON,
COLLIER,
COTE,
DINAN,
DUSSAULT,
EMOND,
FISSET,
GAUVIN,
GOSSELIN,
GUILLLOT,
LANTIER,
LAVIGNEUR,
LOCKWELL,
MADDEN,
MARTIN,
MORIN,
PLAMONDON,
POULIOT,
TRUDEL,
VERRET,

Read for the first time on the 14th March 1913
Published in Le Soleil and the Chronicle
Read for the second time and passed on the 25th March 1913.
Copy transmitted to His Honor the Governor

Il est par le présent réglé et ordonné par le Conseil municipal de la cité de Québec, et le dit Conseil règle et ordonne comme suit, savoir:

1.—Dans le présent règlement, les mots "Maison de prostitution", signifient une maison, bâtiment, un appartement, une chambre, ou un local quelconque, dans la cité de Québec, tenu pour les fins de la prostitution, ou habité ou fréquenté par une ou plusieurs personnes pour ces fins,—et les mots "maison désignée", ou "maison mal famée", signifient toute maison de prostitution ou réputée telle, et aussi toute bâtisse, ou partie de maison ou bâtiment, mal famée, désignée, ou réputée ou connue comme telle, dans la cité de Québec.

2.—Quiconque tient, occupe, habite ou fréquente une maison de prostitution ou une maison désignée ou mal famée, ou réputée telle dans la cité de Québec, est passible l'une amende n'excédant pas cent piastres, ou à défaut de paiement de l'amende et des frais, d'un emprisonnement au travail forcé pendant un espace de temps n'excédant pas six mois; mais l'emprisonnement cessera sur paiement de l'amende et de tous les frais dus lors de tel paiement; ou pour une option d'amende, ou les deux à la fois, le tout à la discrétion du Recorder. (Règlement 26A, article 1).

3.—Le règlement No 234, passé par ce Conseil le 23 septembre 1871, est par le présent révoqué.

Be it ordained and enacted by the Council of the City of Quebec, and the said Council doth ordain and enact as follows, to wit:

1.—In this present by-law, the words "house of prostitution" signify a house, building, apartment, room, or any premises, in the City of Quebec, kept for the purpose of prostitution, or inhabited or frequented by one or more persons for such purposes, and the words "house of ill-repute or houses of ill-fame", signify every house of prostitution or of ill-repute and also every building, or part of building, or house, ill-famed, disorderly or reputed as such, or known as such, in the City of Quebec.

2.—Whoever keeps, occupies, inhabits or frequents a house of prostitution, a disorderly house or ill famed or reputed ill famed in the City of Quebec, is liable to a fine not exceeding one hundred dollars, or in default of payment of the fine and costs, to an imprisonment at hard labour during a space not exceeding six months; but the imprisonment shall cease upon payment of the fine and all costs due at the time of said payment; or for not more than six months imprisonment, without the option of a fine, or the two together, all according to the discretion of the Recorder. (By-law 26A, article 1).

3.—By-law No. 234 passed by this Council on the 23rd of September, 1871, is hereby repealed.

NAP. DROUIN
Mayor

Attesté
L.S.

H. J. J. B. CHOUINARD,
City Clerk

NAP. DROUIN,
Maire

Attesté
L.S.

H. J. J. B. CHOUINARD,
Greffier de la Cité.

Original page no. 2511

APPENDIX 16

Brochu, Roy, Boutin & Ouimet
Barristers and Solicitors

J.-Charles Brochu
Gatien Roy
Denis Boutin
Paul Ouimet
216

City Hall
Telephone (415) 694-6360
P. O. Box 700
2 Desjardins St., Suite
Quebec City G1K 4S9

Quebec City, February 19, 1981

Director
Criminal Law Amendments
Department of Justice
Justice Building
Ottawa, Ontario

Re: Hutt v. The Queen, 82 D.L.R.
(3d) page 95 - "Soliciting"
our file: S-9

Dear Sir:

Please find enclosed a letter dated February 16 signed jointly by the Quebec City Police Chief and Municipal Court prosecutor concerning the abovementioned subject.

We must ask ourselves if the meaning given by the Court in the abovementioned case to the word "solicit" in section 195.1 of the *Criminal Code* accurately reflects the intention of the legislator.

Prior to this judgment, the courts applied a much broader definition of the word "solicit". It is essential that Parliament clarify its intention by drafting a legislative text that clearly defines the infraction contemplated, if such was indeed its intention.

I do not believe it is the responsibility of various municipalities to enact bylaws, often based on dubious legislative authority, at the risk of being drawn into long and costly legal battles and that in no way solve the problem confronting us in Quebec City.

Original page no. 21

Rather, it is the federal government's responsibility to take the initiative in this area. We strongly hope it will do so in the very near future.

BROCHU, ROY, BOUTIN & OULMET

JEAN-CHARLES BROCHU, head
Litigation Department

JCB/jl
Encl.

Original page no. 241

APPENDIX 17

québec

Quebec City, February 16, 1981

Director
Criminal Law Amendments
Department of Justice
Justice Building
Ottawa, Ontario

Dear Sir:

Following the appearance of an article entitled "Information Document: Sexual offences against the person and youth protection" in the January 1, 1980 issue of "The National", published by the Canadian Bar Association, the Quebec City Police Department would like to submit the following comments to you:

1. The abovementioned article makes no mention of section 195.1 of the *Criminal Code* which deals with soliciting for the purposes of prostitution. We wonder whether this was omitted intentionally;
2. Since the judgment in *Hutt vs The Queen* (1978), 82 D.L.R. (3d) 95, it has become extremely difficult to interpret section 195.1;
3. In fact, since this British Columbia judgment, it is in most cases very difficult if not impossible to prove that there has been incitement of a pressing and persistent nature.
4. In order to offset the consequences of this decision, the City of Montreal has enacted a bylaw that attacks prostitution, at least to some extent;
5. With the enforcement of this bylaw, and considering that several other cities have adopted virtually identical bylaws, the influx of prostitutes has been mainly felt in places like Quebec City.
6. Prostitutes are no longer afraid to practise their "profession", and do so more openly;
7. Knowing full well that it is almost impossible for the police to obtain convictions for prostitution, they take advantage of the situation and become involved in drug pushing and theft.
8. The enactment of municipal bylaws against prostitution is only a partial and temporary solution; the federal government could resolve the problem once and for all with an amendment to section 195.1 of the *Criminal Code*.

Original page no. 262

Furthermore, we recommend that section 195.1 of the *Criminal Code* be amended with a view to allowing for better control of prostitution.

Thanking you in advance for your attention to these comments, we remain,

Yours truly

Robert Vézina, Chief of Police

Michel Vézina,
Municipal Court prosecutor

Original page no. 252

APPENDIX 18

Department Ministère
of Justice de la Justice
Ottawa, Canada
K1A 0H8

March 2, 1981

Mr Jean-Charles Brochu
Head, Litigation Department
Brochu, Roy Boutin & Guimet
City Hall
P.O. Box 700
2 Desjardins St. Suite 216
Quebec City, Quebec G1K 4S9

Re: "SOLICITING" - Your file S-9

Dear confrère:

Thank you for your letter of February 19, 1981, as well as the letter from the Police Chief and the City Prosecutor, relating to the abovementioned matter.

There has already been both a study and consultation in the Department with respect to the problem you submitted to me. However it seems inappropriate to proceed with an amendment to section 195.1 of the *Criminal Code* at the present time. In fact, there is presently before the Supreme Court of Canada an appeal from a decision of the British Columbia Court of Appeal, in *R. vs. K.E. Galtot*, dealing with construction of the section in question. In that case, the Crown analyses *R. vs. Hutt* and comes up with a different approach. It would be preferable to wait for a final decision on this matter.

Furthermore, before going ahead with amendments in such a controversial area, it may be necessary to analyse all facets of the prostitution problem. Finally, this matter needs fundamental reconsideration. Therefore this question will be the subject of a specific study of the *Criminal Code* in the near future.

Original page no. 205

Whatever the result, whether it be a temporary amendment or a substantial legislative revision, I would like to thank you for submitting your comments to me. Please be assured that they will be brought to the attention of the Minister as well as the appropriate officials.

Yours sincerely,

E.G. Ewaschuk
Director, Criminal Law Amendments

CITÉ DE QUÉBEC--CITY OF QUEBEC

CITÉ DE QUÉBEC,
District de Québec

CITÉ DE QUÉBEC,
District of Québec

A savoir:

To wit:

RÈGLEMENT No 887

BY-LAW No 887

Concernant les Établissements de massage

Concerning massaging establishments

(Rédigé en langue française)

(Drawn up in the French language)

A une assemblée du Conseil de Ville de la Cité de Québec, tenue à l'Hôtel de Ville dans ladite Cité, le vingt-quatrième jour du juillet mil neuf cent cinquante-trois (1953), conformément à la loi et en vertu d'un règlement passé par le Conseil en conséquence d'icelle, et après l'accompissement exact de toutes les formalités prescrites par le statut en tel cas fait et pourvu, à laquelle assemblée sont présents la majorité absolue des membres composant ledit Conseil de la Cité de Québec, c'est à savoir:

Mon Honneur le PRO-Maire,

JOSEPH CONSEILLER

His Worship PRO-MAYOR,

JOSEPH CONSEILLER

Les Échevins BEAUPRE,

Aldermen

BEAUPRE
BEDARD C.-J.
BEDARD Orl.

BLAIS,
BURNS,
CARON,
CAUMARTIN,
CHALFOUTR,
FLJROTTE,
GAGNON,
LEGARE,
MAYTE,
SAMSON

BLAIS
BURNS
CARON
CAUMARTIN
CHALFOUTR
FLJROTTE
GAGNON
LEGARE
MAYTE
SAMSON

En pour la première fois le 17 juillet 1953

Acté dans L'Action Catholique et le Chronicle-Telegraph

En pour la deuxième fois et passé le 23 juillet 1953

Copy transmise au Ministre des Affaires Municipales.

Read for the first time on the 17th of July 1953

Notice in L'Action Catholique and the Chronicle-Telegraph

Read for the second time and passed on the 23th of July 1953

Copy transmitted to the Minister of Municipal Affairs.

--3--

IL EST ORDONNE et STATUE par règlement du Conseil Municipal de la Cité de Québec et ledit Conseil ORDONNE et STATUE comme suit, savoir:

IT IS ORDAINED and ENACTED by by-law of the Municipal Council of the City of Québec and the said Council ORDAINS and ENACTS as follows, to wit:

CHAPITRE I

CHAPTER I

Définitions

Definitions

ARTICLE 1.—Partout où les mots suivants se rencontrent dans le présent règlement, ils sont censés avoir la signification ci-après indiquée à moins que le contexte ne comporte une signification différente:

ARTICLE 1.—Wherever the following words occur in the present by-law, they are intended to have the significance hereafter indicated unless the context allows a different meaning:

a) Le mot "massage" signifie et comprend tout procédé consistant à pratiquer sur la peau du corps d'un être humain des frictions, des pressions ou autres opérations faites soit avec la main, soit à l'aide d'instruments ou appareils électriques ou d'autres appareils spéciaux; mais le mot "massage" ne signifie pas et ne comprend pas, aux termes du présent règlement, le massage pour fins thérapeutiques pratiqué par des personnes autorisées par la loi, dans l'exercice de leur profession, ni le massage du visage pratiqué dans les salons de beauté, les boutiques de barbiers, les salons de coiffeurs;

a) The word "massage" means and includes any process consisting in practising on the skin of a human body rubbing, kneading or any other operation executed either with the hand or with the help of instruments or electrical apparatus or other special apparatus; but the word "massage" does not include and does not mean, by the present by-law, the massage for therapeutic purposes given by persons authorized by law, in the practice of their profession, neither the face massage as given in beauty parlors, barber shops, hairdressing parlors;

b) Les mots "établissements de massage" signifient et comprennent tout local ou partie de local où l'on pratique le massage, tel que défini au paragraphe (a) du présent article;

b) The words "massaging establishments" means and includes any premises or part of premises where massages as described in paragraph (a) of the present article is practiced;

c) Le mot "masseur" signifie masseur ou masseuse ou une personne qui pratique le massage, tel que défini au paragraphe (a) du présent article;

c) The word "masseur" means masseur or masseuse or a person who practices massage as described in paragraph (a) of the present by-law article;

d) Le mot "linge" signifie et comprend les serviettes, draps de lit, taies

d) The word "linen" means and includes towels, bed sheets, pillow-cases,

d'oreillers, tissue lavables et autres articles semblables en usage dans les établissements de massage.

CHAPITRE II

Certificate de compétence, permis, licence, inspections, etc.

ARTICLE 2.—Aucune personne n'exercera le métier de masseur et n'agira comme masseur dans un établissement de massage ou ailleurs sans avoir, au préalable, obtenu une licence à cet effet de la Cité et sans avoir payé au trésorier la somme qui pourra être fixée pour l'octroi d'une telle licence dans le règlement des licences. Cette licence ne sera accordée par le trésorier que sur une déclaration écrite du directeur du Département de la Santé et du chef de police qui sur l'émission, par ces derniers, d'un permis de licence attestant qu'ils n'ont pas d'objection à l'octroi d'une telle licence.

ARTICLE 3.—Aucune personne, compagnie, société ou corporation, ne pourra exploiter un établissement de massage, dans la Cité, à moins d'avoir obtenu une licence du trésorier, pour laquelle il sera payé la somme qui pourra être mentionnée dans le règlement concernant les licences. Cette licence ne sera accordée par le trésorier que sur une déclaration écrite de l'inspecteur des bâtiments, du directeur du Département de la Santé et du chef de police ou sur l'émission, par ces derniers, d'un permis de licence attestant qu'ils n'ont pas d'objection à l'octroi d'une telle licence.

ARTICLE 4.—Le directeur du Département de la Santé ne pourra émettre un permis en vertu de l'article 2 qu'à la condition que la personne qui demande une licence pour exercer le métier de masseur ou agir comme tel, dé-

washable tissues and other similar articles used in massage establishment.

CHAPTER II

Certificate of competency, permit, license inspection etc.

ARTICLE 2.—No one shall exercise the massager trade and not as massager in a massaging establishment or elsewhere without having previously obtained a license of the City to that effect and paid to the Treasurer the amount which shall be fixed for the issue of such license in the license by-law. That license shall be issued by the Treasurer only upon a written declaration of the Director of the Health Department and the Chief of Police or the issue by them of a license permit showing that they have no objection to the issue of such license.

ARTICLE 3.—No person, company, society or corporation shall keep and operate a massaging establishment in the City without having obtained from the Treasurer a license for which shall be paid the amount mentioned in the license by-law. That license shall be issued by the Treasurer only upon a written declaration of the Building Inspector, the Director of the Health Department and the Chief of Police or the issue by them of a license permit showing that they have no objection to the issue of such license.

ARTICLE 4.—The Director of the Health Department shall issue a permit in virtue of article 2 only on the condition that the person applying for a license to exercise the massager trade or act as such is the holder of a certificate

tienne un certificat de compétence d'une institution ou association où l'on enseigne et pratique le massage et qui est reconnu par le Département de la Santé. Faute de produire un tel certificat de compétence, la personne qui sollicite un permis pour exercer le métier de masseur devra, pour obtenir tel permis, fournir à la satisfaction du Département de la Santé les preuves écrites à l'effet qu'elle a la compétence voulue et au moins trois ans d'expérience dans l'exercice du métier de masseur.

Touto personne qui demande un permis de licence devra, en outre, avoir obtenu une "carte de santé" du Département de la Santé, mais cette carte ne devra pas avoir été émise plus de trente jours avant la date de telle demande.

ARTICLE 3.—Toute personne qui tient ou exploite un établissement de massage ou qui agit comme masseur dans un tel établissement ou ailleurs dans la Cité est tenue de payer au trésorier la somme qui pourra être mentionnée dans le règlement des licences ou soumettre le prix de sa licence pour tenir ou exploiter un établissement de massage.

ARTICLE 4.—Les licences émises en vertu du présent règlement seront personnelles et intransférables et devront être renouvelées chaque année, dans la première semaine du mois de mai.

ARTICLE 5.—Les inspecteurs du Département de la Santé devront être admis, en tout temps, pour fins d'inspection, dans les établissements de massage.

ARTICLE 6.—Les susdites personnes compagnies, sociétés ou corporations devront:

of competency from an institution or association where massaging is taught and practised and which is recognized by the Health Department. Failing to produce such certificate of competency, the person applying for a permit to exercise the massager trade shall apply to the satisfaction of the Health Department for obtaining that permit the written proof to the effect that he has the required competency and at least three years experience in the exercising of the massager trade.

Any person applying for a licence permit shall besides have obtained a "health card" from the Health Department, which card shall not have been issued more than thirty days before the date of such application.

ARTICLE 3.—Any person keeping or operating a massaging establishment or acting as massager in such establishment or elsewhere in the City shall have to pay to the Treasurer the amount mentioned in the license by-law, over and above the price of his license for keeping and operating a massage establishment.

ARTICLE 4.—Licenses issued in virtue of the present by-law shall be personal and intransferable and shall be renewed every year during the first week of the month of May.

ARTICLE 5.—Inspectors of the Health Department shall be admitted at all times in the massaging establishments for inspection purposes.

ARTICLE 6.—The above-mentioned persons, companies, societies and corporations shall:

such registration before the issue of their license by the City.

un certificat de tel enregistrement avant l'octroi de leur licence par la Cité.

ARTICLE 9.—Any person to whom a license has been issued shall practice his massage trade on ly on persons of his sex.

ARTICLE 9.—Une personne à qui une licence de masseur aura été accordée ne pourra pratiquer le métier de masseur que sur les personnes de son sexe.

ARTICLE 10.—It is forbidden:

ARTICLE 10.—Il est défendu:

a) To install a massaging establishment in a tenement, premises or place not approved by the Health Department and the Chief of Police and by the Building Inspector;

a) d'installer un établissement de massage dans un logement, local ou endroit non approuvé par le Département de la Santé et le Département de la Police et par l'inspecteur des bâtiments;

b) To exercise the massage trade and advertise as such without having obtained a license of the City in conformity with the provisions of the present by-law;

b) d'exercer le métier de masseur ou de s'annoncer comme tel sans avoir obtenu de la Cité une licence, conformément aux dispositions du présent règlement;

c) To keep and operate any massaging establishment under a fictitious or assumed name;

c) de tenir ou exploiter aucun établissement de massage sous un nom fictif ou d'emprunt;

d) To keep and operate any massaging establishment not in accordance with the provisions of the present by-law;

d) de tenir ou exploiter aucun établissement de massage non conforme aux prescriptions du présent règlement.

CHAPTER III

Salubrité de l'établissement

Sanitation of the establishment
ARTICLE 11.—Any premises used as a massaging establishment shall be properly lighted and ventilated and shall not be used for other purposes.

ARTICLE 11.—Tout local servant d'établissement de massage devra être convenablement éclairé et ventilé et ne devra pas servir à d'autres fins.

ARTICLE 12.—Walls, ceilings, furniture and other articles in massaging establishments shall always be kept clean and free from dust.

ARTICLE 12.—Les murs, les plafonds, les meubles et les autres objets, dans les établissements de massage, devront être tous constamment propres et exempts de poussière.

a) Affix in a visible place inside and outside of their establishment the name, trade or corporate name under which they have obtained their license;

b) Supply to the City every month and whenever required by the Health Department or the Chief of Police the name and address of every masseur employed by them;

c) Give immediately notice to the Health Department and the Chief of Police of any change of address of their establishment when they move or give up their trade or operation;

d) Employ in their establishment only masseurs who have obtained a license of the City and have complied with the provisions of the present by-law;

e) Keep a register of the names and addresses of their clients, giving the date of treatment, and allow this register to be inspected at all times by the officers of the Health Department;

f) Affix in a visible place the license authorizing the keeping of a massaging establishment as well as the licenses of the masseurs employed;

g) Be registered under their real name at the registry office of commercial societies of the district of Quebec if they are doing business under a corporate or a trade name or a society or corporation name, and hand over to the City Treasurer a certificate of

a) afficher dans un endroit apparent, à l'intérieur et à l'extérieur de leur établissement, le nom, la raison sociale ou le nom corporatif sous lequel elles ont obtenu leur licence;

b) fournir à la Cité, mensuellement et chaque fois qu'elles en seront requises par le Département de la Santé ou le Département de la Police, le nom et l'adresse de chaque masseur à leur emploi;

c) donner immédiatement avis au directeur du Département de la Santé et au chef de police de tout changement d'adresse de leur établissement lorsqu'elles démèneront ou abandonneront leur commerce ou exploitation;

d) n'employer dans leur établissement que des masseurs qui auront obtenu une licence de la Cité et qui se seront conformés aux dispositions du présent règlement;

e) tenir un registre des noms et adresses de leurs clients en y indiquant la date du traitement, et permettre que ce registre soit examiné, en tout temps, par les fonctionnaires du Département de la Santé et du Département de la Police;

f) afficher dans un endroit apparent la licence les autorisant à tenir un établissement de massage, ainsi que les licences des masseurs à leur emploi;

g) se faire enregistrer sous leur véritable nom, au bureau d'enregistrement des sociétés commerciales du district de Québec, si elles font affaires sous un nom corporatif ou une raison sociale ou sous un nom de société ou compagnie, et remettre au trésorier

- 3 -

ARTICLE 13.—Les planchers devront être soigneusement balayés ou lavés tous les jours.

ARTICLE 14.—Les établissements de massage devront être pourvus d'un système de distribution d'eau chaude et d'eau froide pour alimenter les lavabos, les baignoires ou les bains-douches.

Les lavabos devront être installés dans la pièce même où les clients seront soumis au massage.

En outre, les établissements de massage devront être pourvus au moins d'une baignoire ou d'un bain-douche, accessible ou contigu à la pièce même où l'on pratique le massage et servir à l'usage exclusif de tels établissements. Il devra y avoir aussi une installation satisfaisante du cabinet d'aisances.

La plomberie devra être installée conformément aux dispositions des règlements municipaux concernant la construction et la plomberie.

CHAPTER IV

Propylæxia et propreté

ARTICLE 15.—Dans le cas où le propriétaire, le gérant ou un employé d'un établissement de massage aurait été atteint d'une des maladies contagieuses spécifiées à l'article 81 de la Loi d'Hygiène Publique du Québec, Statuts Révisés du Québec, 1941, chapitre 153, ou de toute autre maladie que le Lieutenant-Gouverneur en Conseil aura désignée par règlement, tel propriétaire, gérant ou employé ne devra pas pénétrer dans ledit établissement avant qu'un permis l'autorisant à ce faire ne lui ait été accordé par le Département de la Santé de la Cité.

ARTICLE 16.—Il est défendu d'admettre dans aucun desdits établissements aucune personne atteinte d'une des maladies contagieuses spécifiées à l'article 81 de la Loi d'Hygiène Publique du Québec, Statuts Révisés du Québec, 1941, chapitre 153, ou de toute autre maladie que le Lieutenant-Gouverneur en Conseil aura désignée par règlement ou qui aura été en contact avec un contagieux.

ARTICLE 17.—*abrogé # 2550*
Tous les personnes exerçant le métier de masseur devront avoir été vaccinées contre la variole au moins depuis moins de sept ans.

ARTICLE 18.—Tous les lits, matelas et oreillers et tout linge servant au massage devront être tenus en bon état de propreté; tous les instruments servant à masser ou tous autres articles similaires devront être parfaitement nettoyés et stérilisés immédiatement après qu'ils auront servi pour un client.

Les matelas et les oreillers devront être recouverts d'une toile de caoutchouc ou de matériel équivalent.

ARTICLE 19.—Tout linge, y compris les serviettes et les draps, ne devront servir qu'à une personne.

Tout linge, après que l'on s'en sera servi pour un client, devra être immédiatement déposé dans un réceptacle spécial destiné au linge qui doit être lavé.

ARTICLE 20.—Le linge devra être lavé dans de l'eau portée à une température d'au moins 200 degrés F. Cela ne sera pas nécessaire cependant lorsque le linge sera soumis à une température d'au moins 230 degrés F. durant le séchage ou le repassage.

ARTICLE 16.—It is forbidden to admit in any said establishment any person stricken with one of the contagious diseases specified in article 81 of the Quebec Public Health Act, Revised Statutes of Quebec, 1941, Chapter 153 or any other disease that the Lieutenant Governor in Council shall have designated by by-law or who shall have been in contact with someone stricken with a contagious disease.

ARTICLE 17.—All persons exercising the massage trade shall have been successfully vaccinated against small pox since less than seven years.

ARTICLE 18.—All beds, mattresses, pillows and all the linen used for massage shall be kept in a good state of cleanliness; all instruments used for massaging and all other similar articles shall be perfectly cleaned and sterilized immediately after having been used on a client.

Mattresses and pillows shall be covered with a rubber cloth or equivalent material.

ARTICLE 19.—All the linen, including the towels and sheets, shall be used for one person only.

After being used for a client, all linen shall immediately be placed in a special receptacle for linen to be washed.

ARTICLE 20.—The linen shall be washed in water of at least 200 degrees F in temperature. This however shall not be necessary when the linen is submitted to a temperature of at least 230 degrees F. for drying or ironing.

ARTICLE 21.—Les personnes exerçant le métier de masseur et les employés des établissements de massage devront se laver les mains avec de l'eau chaude, les savonner et les brosser soigneusement avant de donner leurs services à un client.

ARTICLE 22.—Il est défendu de faire usage d'éponges dans les établissements de massage.

CHAPTER V

Renouvellement et annulation de la licence

ARTICLE 23.—L'émision ou le renouvellement d'un permis de licence sera refusé par le directeur du Département de la Santé et le chef de police lorsque la personne, société, compagnie ou corporation tenant ou exploitant un établissement de massage ne se sera pas conformée à quelque une des dispositions du présent règlement ou aura fait une fausse déclaration dans sa demande de tel permis, ou aura négligé ou refusé de fournir, dans un délai de trois jours, les renseignements demandés par le directeur du Département de la Santé et le chef de police ou aura refusé, en aucun temps, de laisser visiter et inspecter son établissement.

ARTICLE 24.—Touto licence émise ou venant du présent règlement pourra être révoquée ou annulée par le Comité Administratif de la Cité, sur la recommandation du directeur du Département de la Santé et le chef de police, à la suite de toute infraction à quelque une des dispositions du présent règlement, ou dans le cas où le détenteur de telle licence refuserait ou négligerait de se conformer à un avis du Département de la Santé ou du Département de la Police dans le délai prescrit dans ledit avis.

ARTICLE 21.—The persons exercising the massage trade and the employees of massaging establishments shall wash their hands in hot water soap and brush them carefully before giving their services to a client.

ARTICLE 22.—The use of sponges in massaging establishments is forbid.

CHAPTER V

Renewal and cancellation of the license

ARTICLE 23.—The issue or renewal of a license permit shall be refused by the Director of the Health Department and the Chief of Police when the person, society, company or corporation keeping or operating the massaging establishment shall not have complied with any of the provisions of the present by-law or shall have made a false declaration in his application for such permit or shall have refused or neglected to supply within three days the information required by the Director of the Health Department and the Chief of Police or shall have refused at any time to allow his establishment to be visited and inspected.

ARTICLE 24.—Any license issued in virtue of the present by-law shall be cancelled and annulled by the Administrative Committee of the City upon recommendation of the Director of the Health Department and the Chief of Police following any infraction to any of the provisions of the present by-laws or if the holder of such license neglects or refuses to comply with any notice of the Health Department or the Chief of Police within the delay mentioned in the said notice.

ARTICLE 25.—Toute personne qui contravient à quelque une des dispositions du présent règlement sera passible d'une amende avec ou sans frais et, à défaut de paiement immédiat de ladite amende ou de ladite amende et des frais venant le cas, d'un emprisonnement; le dudit emprisonnement seront fixés par la Cour Municipale de la Cité de Québec à la discrétion, mais ladite amende n'excèdera pas quarante dollars et l'emprisonnement ne sera pas pour une période de plus de deux mois; ledit emprisonnement, cependant, devant cesser ou tout temps avant l'expiration du terme fixé par ladite Cour Municipale sur paiement de ladite amende ou de ladite amende et des frais, suivant le cas, et si l'infraction se continue, le contrevenant sera passible de l'amende et de la peine ci-dessus édictées pour chaque jour durant lequel l'infraction se continuera.

ARTICLE 26.—Le présent règlement entrera en vigueur suivant la loi.

JOSEPH CONSEILLER
Maire-Suppléant

Attesté,
L.S.

P.-X. GHOUDINARD
Greffier de la Cité

ARTICLE 25.—Any one contravening any of the provisions of the present by-law shall be liable to a fine with or without costs and in default of immediate payment of the said fine or of the said fine and costs, as the case may be, to an imprisonment; the amount of the said fine and the term of the said imprisonment shall be fixed by the Municipal Court of the City of Quebec at its discretion but the said fine shall not exceed forty dollars and the imprisonment shall not be for a period of more than two months, said imprisonment however to cease at any time before the expiration of the term fixed by the Municipal Court upon payment of the said fine or the said fine with costs, as the case may be, and if the infraction continues, the contravenant shall be liable to the fine and penalty above enacted for each day during which the infraction shall continue.

ARTICLE 26.—The present by-law shall come into force according to law.

JOSEPH CONSEILLER
Acting Mayor

Attested
L.S.

P.-X. GHOUDINARD
City Clerk

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APPENDIX 19a

CITY OF QUEBEC

BY-LAW No 2402

*To amend by-law number 887
"concerning massaging establishments".*

At a meeting of the City Council of the City of Quebec, held at the City Hall in the said City of Quebec on the seventeenth day of September one thousand nine hundred and seventy-six in conformity to law and in virtue of a by-law passed by this Council pursuant thereto, and after the due observance of all the formalities prescribed by the statute in such case made and provided at which meeting are present the absolute majority of the members composing the Council of the City of Quebec, that is to say:

The Chairman of the Council
Councillor OLIVIER SAMSON

His Worship the Mayor
J.-GILLES LAMONTAGNE

Councillors

BLANCHET	GIRoux
BOUCHARD	LANGLOIS
CAREAU	ROBITAILLE
CHARLAND	ROY
COULOMBE	TREMBLAY

Read for the first time on the 16th of August 1976.

Notice in Le Soleil.

Read for the second time and passed on the 17th of September 1976.

Transmitted to the Minister of Municipal Affairs on the 17th of September 1976.

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EXPLANATORY NOTES

BY-LAW No 2402

To amend by-law number 887 "concerning massaging establishments".

PURPOSE OF THE BY-LAW:

The purpose of this by-law is to repeal section 9 of by-law number 887 "concerning massaging establishments" which stipulates that any person to whom a licence has been issued shall practice his massage trade only on persons of the same sex.

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APPENDIX 20

ADMINISTRATIVE CODIFICATION

BY-LAW NO. 192 (old series)
dated December 15, 1865

Concerning the good order and peace
of the City of Quebec

As amended on
November 27, 1980

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BYLAW NO. 192

WHEREAS by an act of the Provincial Parliament, passed in the 29th year of Her Majesty's reign, entitled: "An Act to amend and consolidate the provisions contained in the acts and ordinances relating to the Corporation of and the supply of Water in the City of Quebec", the Council of the said City established by the said Act, is authorized to make by-laws upon various subjects and among others for good order, peace, security, comfort, prevention and suppression of all nuisances and of all acts matters and things in the said City contrary or prejudicial to the order, peace, comfort, morals, and good government of the said City: for the security tranquility and comfort of passers-by and other persons in the said streets, squares, promenades, public gardens and wharves of the said City; and in conformity with the said provisions, the said Council ordains and makes the following by-law, to wit:

1. - Whoever shall in any manner whatsoever disturb, without lawful cause, the peaceable inhabitants residing in any street; or

2. - Shall fight in any street; or

3. - Shall be found drunk in any street; or

4. - Shall use insulting language towards, or shall assault or strike, or insult in any manner whatsoever, the passers-by, or other persons being in any street; or

5. - Shall be masked or disguised by day or by night, in any street; or

6. - Shall expose in or upon any street or in the windows or

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doors of any shop or building whatsoever any indecent or obscene article or object; or

7. - Shall expose their person in an indecent or obscene manner in any street or public place, in any closed or unenclosed place, or in any window or door of any building whatsoever, in such a manner as to be seen by the neighbors or passers-by; or (B.L. 29, art. 1)

8. - Who being in a house or building or upon any enclosed or unenclosed ground, shall use insulting language towards, or shall assault or strike, or insult in any manner whatsoever any person being in or passing through any street; or

9. - Who being in a street shall use insulting language towards, or shall assault or strike or insult in any manner whatsoever any person being in any building or other place, or round enclosed or unenclosed; or

10. - Who, without any lawful cause, shall knock at any door, window, shutter or other external part of any house or building; or

11. - Who shall break, wrench, or damage in any manner whatsoever any door-knocker or door-pull, at the out-door of any house or building, or placed upon the exterior of and communicating with any house or building, or shall knock at any such door-knocker or shall pull such bell-pull or bell-rope without lawful cause; or

12. - Who shall enter without lawful cause any house or building, and enclosed place, and shall insult by words or otherwise the persons being therein, or shall make a noise or

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refuse to leave, or threaten in any manner whatsoever the persons who may be within such house, building or enclosed place; or

13. - Who shall spoil, soil or damage in any manner whatsoever the walls, doors, windows or other external parts of any house or building, or wall of enclosure, palisade or fence; or

14. - Who shall be found, in any street having upon his person or carrying any sword-cane or stiletto-cane, dirk, bowie-knife, ironknuckles, skull-cracker, bludgeon, sling-shot or other offensive weapon of the same sort, or any pistol, gun or other instrument or fire-arm, sabre, sword, or other arm of the same nature without being able to justify the carrying of such weapon; or

14a) - Whoever fires a firearm of any kind, or lights or causes to explode a firecracker, rocket or firework, in any part or place of the City.

However, this provision shall not apply to military exercises, dynamiting or fireworks where permitted by the by-laws of the City; (B.L. 2028, art. 1)

15. - Who shall break, destroy or damage in any manner whatsoever, any tree, plant or shrub, or other thing whatsoever placed in any street for use or ornament; or

16. - Who shall break, destroy, or damage in any manner whatsoever, any lamp or lamp post, or shall extinguish, without cause, any gas-lamp or burner, or any other lamp, placed in a street for the purpose of lighting the same; or

17. - Who shall break, tear up, displace, or damage in any

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manner whatsoever the boards or planks of the sidewalks, or other material forming the pavement of any street, or any portion of the same; or

18. - Who shall break, pull up, or damage in any manner whatsoever, the boxes or box-covers placed in the streets for the purposes of the Water Works of the said City, or of the Gas Company; or

19. - Who shall fling or throw stones or other missiles whatsoever in the streets; or

20. - Who shall fling or throw from the street into any house, building or other place whatsoever, enclosed or unenclosed, stones or other missiles whatsoever; or

21. - Who shall fling or throw from any house, building or ground whatsoever, stones or other missiles into any street; or

22. - Who shall attach or place upon any door-handle, door-knocker, door-bell-pull, or other external part of any house or building whatsoever, or upon a wall of enclosure, fence or palisade, any dead animal or carcass, or any other thing whatsoever of a filthy or disgusting nature; or

23. - Who shall satisfy any natural want in any street; or

24. - Who shall expose in any street a wound or ulcer, or other hideous or monstrous thing; or

25. - Subject to the provisions of By-law no. 2722 "Concerning buffoons and public entertainers", who shall importune the passerby by soliciting them in any manner whatsoever or shall obstruct automobile traffic or hinder the passage of pedestrians in streets, parks or public places; (B.L.

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2723, art. 1)

26. - Who shall play at any game whatsoever in any street;
or

27. - Shall interrupt, hinder, pass through or disturb the
order of any funeral ceremony, or other procession or ceremony
not forbidden by law, in any street; or

28. - Shall cause or make any tumult, noise, disorder or
disturbance or shall form part of any tumultuous assemblage in
any place whatsoever, in any house, building, or place enclosed
or unenclosed within the limits of the said City; or

29. - Shall disturb or incommode any religious congregation
or meeting for the purpose of religious worship, either by making
a noise or by indecent or improper conduct, or by profane words,
discourses, in the place in which such congregation is assembled
or near such place, in such a manner as to disturb the order and
solemnity of the reunion; or

30. - Shall make any noise or disturb the order at any
public representation, exhibition or lecture, will be subject to
the fine hereinafter imposed; or

31. - Nobody shall attempt to give nor will voluntarily give
deliberately any false alarm, and whoever shall infringe the
dispositions of the present paragraph shall incur, for each
offence, upon condemnation before the Recorder's Court of the
City of Quebec, a fine not exceeding two hundred dollars, or six
months imprisonment in default of payment of the fine and costs
or six months imprisonment without the option of a fine, to the
discretion of the Recorder. (By-law no. 24, art. 1)

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32. - Nobody shall cry out, without cause, to the guard or to the police or a similar cry, nor shall use a bell ringer or shall make use of any bell or other reverberant instrument, nor shall use any means nor shall make any noise or gesture or other things "with the purpose or" of a nature to assemble or attract the passers by or others in a street; but nothing contained in said paragraph shall apply to religious ceremonies, military or other activities not forbidden bylaw. (B.L. 2723, art. 2)

33. - Whoever contravenes this by-law commits an infraction and is liable, upon summary conviction before the Municipal Court to a fine not exceeding \$500.00, and upon default of payment of the said fine with costs to imprisonment not exceeding three months. (B.L. 2723, art. 3)

34. - Whoever disturbs the public peace, or wanders or loiters in any street, lane, public place or other place situated within the limits of the City without satisfactory explanation for his presence in the place where he is found when required to do so by a constable; (B.L. 1771, art. 1A) and (B.L. 2723, art. 4)

35. Whoever loiters in a street, lane, public place or other place situated within the limits of the City and who, by his behaviour or acts is, for just cause, suspected of any harmful purpose, without satisfactory explanation for his presence in the place where he is found when required to do so by a constable: (B.L. 1771, art. 1A) and (B.L. 2723, art. 4)

36. The word street, in the present by-law, shall mean any road, street, lane, public square, passage used by the public,

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any promenade, or public garden, and any wharf, within the limits of the City of Quebec, unless the sense of the class be in contradiction or incompatible with such a meaning.

Ad.-G. JOURANBEAU

Mayor

Attested

L.S.

L.A. CANNON

City Clerk.

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APPENDIX 21

CANADA

THE CORPORATION

PROVINCE OF QUEBEC

OF THE CITY OF

DISTRICT OF TROIS-RIVIERES

TROIS-RIVIERES

No. 447

BY-LAW to ensure the good order and public sanitation in the operation of massaging establishments.

IT IS ORDAINED AND ENACTED BY BY-LAW OF THE COUNCIL OF THE CITY OF TROIS-RIVIERES RIVERS as follows, to wit:

SECTION 1

INTERPRETATIVE PROVISIONS

ART. 1.-

a) The word "massage" means and includes any process consisting in practising on the skin of a human body rubbing, kneading or any other operation executed either with the hand or with the help of instruments or electrical apparatus or

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other special apparatus.

But the word does not mean, by the present by-law, the massage for therapeutic purposes given by persons authorized by law, in the practice of their profession, neither the face massage as given in beauty parlors, barber shops, hairdressing parlors and other establishments;

b) "Massaging establishment" means and includes any place or premises or part of premises where massage as described in the preceding paragraph is procured.

c) "Masseur" means a person who practises massage as described in paragraph a).

SECTION 11

PERMIT OR LICENCE

ART. 2. - No person shall exercise the masseur trade in the City without having previously obtained a licence or permit issued by the Chief of Police upon payment of an annual fee or tax of \$30.00

Such licence must be renewed each year at the time of

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payment of taxes; it shall be paid for an entire year, whatever the period where the person becomes subject to the tax or whatever the time where the permit is issued.

Any person required to have a masseur's permit or licence shall produce it, upon demand, to the Chief of Police and any member of the Police Department, as well as to any other officer authorized by Council, and who shall be admitted at any time into the massage establishments for the purposes of inspection.

SECTION 111

COMPETENCE

ART. 3. - No permit shall be issued unless the person who is applying is the holder of a certificate of competency from a recognized institution where massaging is taught and practised or, in the absence of such a certificate, proves that he has the desired competence and experience.

Furthermore, any person applying for such a permit shall first obtain from the doctor designated by the City a certificate of good health, issued within the past thirty days. And such certificate may be required upon the renewal of any permit.

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In any massaging establishment, no person shall practice a massage on a person of the opposite sex.

SECTION IV

SANITATION

ART. 4. - In massaging establishments, all by-laws duly enacted concerning health, sanitation and public hygiene shall be observed, subject to all legal penalties.

SECTION V

CANCELLATION OF PERMITS

ART. 5. - Any permit issued under the present by-law may be revoked or cancelled by the Chief of Police following any infraction of any provision of the said by-law. And in such case, written notice shall be given to the permit holder by the Chief of Police.

Any false declaration on an application for a permit or otherwise constitutes an infraction.

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SECTION VI

SANCTIONS

ART. 6. - Any person who violates the present by-law shall be subject to a fine not to exceed \$100.00 and costs, and, failing immediate payment of the fine and costs, to imprisonment not to exceed two months.

ART. 7. - The present by-law shall come into force according to law.

PASSED AND ADOPTED, this 15th day of December 1970.

ASS'T CLERK

MAYOR

LC/cl

APPENDIX 22

Le Journal de Montréal, Thursday April 26, 1984

Tragicomic Police Raid at a Rachel Street Bawdy-House

A dramatic scene unfolded on Rachel Street last night. A raid at a bawdy-house led to suspense and tragicomedy as a client tried desperately to escape and prostitutes continued to enter the building, even after the police had made their move.

It was approximately 8 pm when MUC morality-squad detectives raided a 769 Rachel Street "Tourist Room", used as a place of business by some 65 young women. The decision of police to act was in response to the complaints of numerous Carré St-Louis residents who have been inconvenienced by prostitution in the area.

At the time of the raid two keepers, four clients, and four prostitutes were caught conducting their business. They joined three other women who had been quietly apprehended as they left the house earlier in the afternoon.

The raid was already a success for Lieutenant Lalonde's officers when three other prostitutes literally walked into the trap, arm-in-arm with their clients. Oblivious to the unmarked car double-parked near the entrance, and unaware that other police vehicles had left the vicinity with the suspects earlier, the women and their clients proceeded casually upstairs to the rental rooms, where they found themselves face to face with police investigators.

One of the clients, a man in his fifties, then tried to escape. He fled the house, terrified at the prospect of being caught, and ran through neighbouring streets for several minutes before a police officer apprehended him at gunpoint.

There was more excitement when friends of an employee of the tourist room, Yolande Marion (who turned 47 yesterday), arrived on the scene to deliver a birthday gift. Mrs Marion, and her employer Gérard Marchand, owner of the tourist room, both face criminal charges of keeping a common bawdy-house.

The nine prostitutes and the seven clients who were arrested will appear in court on charges of being found in a common bawdy-house.

The officers in charge of the investigation, Lieutenant Claude Lalonde and detectives Luc Carrière and Gilles Rochon, have a list identifying some fifty other prostitutes and as many clients, who frequented the premises at 769 Rachel Street.

The prostitutes will be arrested shortly on charges of keeping a common bawdy-house (owing to the frequency of their presence at the tourist room) or for offences under the municipal by-law which prohibits anyone from offering a service for sale on public property.

The clients fortunate enough to escape the humiliation of yesterday's raid will be notified by telephone that they are required as witnesses. If they refuse to co-operate, the police will be forced to use less discreet methods and will forward subpoenas to their home addresses.

The Rachel Street tourist room had been operating at least since last fall. Prostitutes rented rooms there for \$10 per half hour, while clients were charged between \$35 and \$70 a visit.

On good days police observed individual rooms being rented as many as six times. Last night police officers were accompanied by income tax auditors and health inspectors.

Photographs

Bottom left: Hiding her face from the Journal photographer, another prostitute is taken to holding cells at police headquarters.

Top right: Yolande Marion, an employee of the tourist room, being taken to MUC police headquarters. Mrs Marion, who celebrated her 47th birthday yesterday, faces criminal charges of keeping a common bawdy-house.

Bottom right: The three prostitutes who walked into the trap more than a half hour after police raided the bawdy-house.

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APPENDIX 23

CANADA

PROVINCE OF QUEBEC

DISTRICT OF ARTHABASKA

COURT OF THE SESSIONS OF THE PEACE

NO: 415-01-000695-825.

(Magistrate without Jury)

BEFORE: Hon. Justice RENE CROCHETIERE, J.S.P.

HER MAJESTY THE QUEEN,

Complainant

-vs-

HANS SANDKE,

Accused

JUDGMENT

The accused was tried before me sitting as a Magistrate without Jury on the following indictment:

"In Victoriaville, district of Arthabaska,
"on or about September 30, 1982, kept a common
"bawdy house in the Motel Carrefour de l'Est,
"230 Bois-Francis Blvd. South, Victoriaville,
"committing thereby an indictable offence provided
"for by section 193(1) of the Criminal Code

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"of Canada."

- THE FACTS -

CROWN CASE

On September 28, 29 and 30, 1982, the Quebec Provincial Police Morality Squad, St. Maurice Valley District, carried out an operation at the Motel du Carrefour de l'Est, located in Victoriaville at the intersection of Jutras Blvd. and Bois-Francs Blvd. South.

Officer Claude Ayotte explained the operation in the following terms:

At about 7:30 PM on September 28, 1982, officers Gilles Irottier and Yvan Martel were assigned to rent rooms and to go downstairs to check on the dancers. Meanwhile, officer Claude Audet was posted on the first floor for surveillance of likely customer traffic to the rooms occupied by the dancers in one part of the motel. The witness and officer Després were outside watching a parking lot near the motel. The police operation began about 7:30 PM. On the instructions of officer Claude Audet who was inside, customers who left were followed to obtain their licence numbers. They were successful in obtaining the numbers of three out of five customers who were interrogated that evening. Their work was completed about 10:30 PM.

On September 29, 1982, the operation was carried out again in the same way, except that individuals leaving the motel were not checked.

On September 30, 1982, the same operation was carried out, except that this time it was officer Rosaire Marchand who went

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downstairs to watch the dancers. That evening officer Claude Audet gave the signal to end the operation, and the witness went to the bar downstairs to arrest the barmaid and seize certain objects, specifically five ten-dollar bills contained in a glass, filed as exhibit P-5. The witness also seized a red notebook, a black notebook, and some room keys. About forty customers who were in the bar at the time and eight dancers were arrested. The accused was arrested as the person responsible for the premises when he arrived at the motel somewhat later. He was manager and president of the company that had been operating the motel for the previous six months. The officer had already seen the accused on the 29th, because he had obtained descriptions of the dancers at his office. Following his arrest, the accused made a statement to the witness. It was not the first time he had seen the witness, because he had seen him frequently chatting with and checking out the dancers; he above all wanted to know where they were staying.

Officer Maurice Blanchet took photographs of rooms number 33 and 37. These rooms were occupied by dancers at the motel. The photos were filed as exhibits P-1, P-2, P-3 and P-4.

Gilles Irottier's testimony may be summarized as follows:

About 7:00 PM on September 28, 1982, he rented room number 27. He went downstairs and kept an eye on the comings and goings of four dancers. They served at the tables and one of them danced. About 9:15 PM, he was solicited by a dancer named Maggy. The others were named Irène, Peggy and Karine. The dancers served at the tables and chatted with the customers, especially the older ones. In particular, he saw Karine talk with a man of about sixty,

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then approach the barmaid and obtain an object from her. The man went up the stairs leading to the lobby and he lost sight of them. About 8:35 PM he went back up to room 27 and met the dancer at the top of the staircase with the man he had seen going upstairs just behind her. The dancers' rooms were located on the left side of the staircase on the first floor. His room was to the right. Officer Claude Audet maintained surveillance on room 27. About 9:10 PM he went back downstairs where he found eight dancers. Maggy approached him, and when she asked if he was interested in meeting one of the girls who worked in the bar he answered that he would think about it. About 9:20 PM the same dancer tried again, and he replied that he did not have enough money on him because payday was Thursday, but there was no discussion between the two about the amount of money. About 9:25 PM, after speaking with a customer of about thirty, Maggy approached the barmaid who gave her something, and the man in question left the bar three or four minutes later in the direction of the lobby. About 9:30 PM a small brunette solicited him and he replied that payday was Thursday. About 10:00 PM he sat down in the lobby and saw three dancers go up to their rooms and come back down about twenty minutes later. No one was following them. About 10:30 PM he joined officer Claude Audet in room 27 to observe the traffic in the corridor where the dancers' rooms were located. About 10:35 PM he observed the barmaid come and knock on the doors of the dancers' rooms, and then go back downstairs a minute or two later with a couple of the dancers. On September 29, he registered and occupied room 25 at 4:40 PM. From the inside, he saw the accused keeping an eye on the

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police car. About 5:00 PM he noticed that three girls as well as Maggy and a dozen customers were downstairs. Because the manager was suspicious, that evening he stayed out of sight as much as possible. Then, on September 30, 1982, he accompanied officer Claude Audet in making the arrests and seizing items including the room keys and papers with the names of the dancers.

Yvan Martel's testimony can be summarized as follows:

At about 5:00 PM on September 28, 1982, accompanied by officer Gilles Jettier, he went to the downstairs bar. Once inside, he noticed that there were two entrances for the customers, the main entrance near the bar at the bottom of an inside staircase and a second on the opposite side opening outside the motel. At that time, three waitresses were working, Karine, Peggy and Maggy. About twelve customers were sitting near the small bar. About 7:15 PM he was approached by Maggy who asked if she could do anything for him. At 7:30 PM he saw Maggy speaking with a customer of about thirty-five. The customer left at the same time as she did and she returned about twenty minutes later. At 8:00 PM about thirty-five customers were in the bar. The witness explained clearly how the dancers worked in the following terms: "While one of them was dancing, one was left to serve the drinks and the other went to chat with a customer without bringing him any drinks. She would go to the bar and exit through a small door on which there was a sign saying 'personnel only'. The customer would proceed to the staircase and the dancer would return about fifteen or twenty minutes later. They would take turns doing this."

That evening, dancer Karine did this on at least five

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occasions. About 8:45 PM other dancers arrived. He identified them as Irène, Louise, Claude and Joanne. About 9:30 PM he overheard a discussion between the dancers to the effect that Karine was going upstairs too often. Between 8:45 PM and 9:20 PM he saw Irène, Claude and Maggy go through the same routine. About 10:00 PM he joined officer Gilles Trottier. On September 29 he carried out the same procedure, but only saw two girls leave and return twenty minutes later. About 8:45 PM a man of about forty-five came and sat at his table. After five minutes the man called Maggy over to his table. She leaned over and the man in question asked for her services. She replied that it would cost \$75.00. At that time Irène came over to him, caressed him, and seemed very interested in taking him upstairs in exchange for a fee. He replied that he only had \$10.00 left, she answered that for that price she wasn't interested and told him to come back tomorrow. About 9:15 PM he left the bar and met the man who had been sitting at his table coming downstairs and walking towards his car to leave. The witness left the bar for good at 10:15 PM.

Officer Claude Audet's testimony can be summarized as follows:

He went to the motel on September 28 and 30 as part of the police operation. On the 28th, he went to the first floor where the dancers were staying, and observed their comings and goings in the hall by staying in room 37. On several occasions, some officers came to join him and he left as required. His role was to try to identify the customers who went to the rooms with the dancers. About 8:30 PM the first person came up to the main floor and went in the direction of the dancers' rooms, which were on the

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left side of the staircase; the rooms for regular customers were on the right. That day there was a continual coming and going. Every fifteen or twenty minutes someone was going upstairs or downstairs. Between 8:30 and 9:45 PM the witness observed several men and dancers going down the hall and entering the so-called dancers' rooms.

To complete its case, the Crown called on officer Rosaire Marchand to testify. On the orders of his superior, he took part in the police operations on September 28 and 30. He went to a brasserie in the Victoriaville Shopping Centre, not far from the motel. There he met an individual and told him that he was a travelling salesman from Montreal and was looking for a place with some girls. He then went to the motel, and went downstairs where he gave \$1.00 to the maitre d', asking for a good spot and for a dancer to dance at his table.

One dancer served him a bottle of beer, but propositioned him by making indecent gestures indicating her wish to go to bed with him. She performed her dance and went to get the key at the bar. After he said that he had \$100.00 in his pocket he went upstairs to room 33. She undressed and washed herself, at which point the other officers entered to arrest the dancer, who at that moment was in the nude.

Officer Claude Ayotte took the stand a second time to explain the circumstances surrounding the accused's statement. In the end defence counsel renounced the right to a formal voir-dire hearing, as is permitted by the case law, and the statement was allowed to be entered as Crown evidence. The statement was filed as exhibit

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F-12 and reads as follows:

(translation)

"Q. -What are your responsibilities at the Carrefour de l'Est motel?

-I have been president of the company for six (6) months.

-What is the name of your company?

-Motel Carrefour de l'Est Inc.

-What was your position before?

-Manager. I have been working here for two and a half (2 1/2) years.

-Who handles the dancers?

-I do. I call the agencies, and others apply on their own.

-For how long are they hired?

----(inaudible)----weeks

-How much do you pay them?

-Thirty-five bucks (\$35) a day plus a furnished room.

-Were you aware that the dancers were going upstairs with the customers?

-I can't answer.

-Do you get a percentage of the money that the dancers get from the customers when they go up to the rooms?

-No.

-As for the barmaid downstairs (Jeannine), do you get a percentage of the money that she gets from the customers?

-She isn't supposed to.

-Who is in charge of the dancers downstairs as far as dancing and table service?

-Jeannine the barmaid, or the girl who replaces her.

-How long has Jeannine been working down there?

-A year, a year and a half at least.

-Do you have anything else to say?

-Not right now."

The Crown called three different individuals in order to establish that they had gone to the motel and that they had gone to bed with dancers. After lengthy examination in each of the three cases, two of the witnesses finally admitted having gone to bed with a dancer and having paid her \$50.00. The third did not make the same admission, but following cross-examination which I allowed

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the Crown prosecutor to pursue, I am convinced that he did not tell the truth before the Court when he denied having gone to bed with one of the dancers for a price fixed in advance. One of the witnesses in question even admitted having already gone to the motel ten times in the past.

One dancer testified. I shall refer to her as L.L. Her testimony can be summarized as follows:

a) She knows the accused, and during the week of September 28 to 30 she managed, by telephone and without going through an agency, to get herself hired to work at the Motel de Carrefour in Victoriaville.

b) She remembers the visit by the police who arrested her downstairs along with the other dancers.

c) It was the barmaid downstairs who decided on the hours of work. She remembers two of the barmaids, Lise and Jeannine.

d) The accused was not often on the premises, but he took care of the pay at the end of the week. She received \$35.00 per day including furnished room but without board.

e) She was hired as a dancer and a waitress. While dancing the management insisted on keeping the key to her room and her purse under the barmaid's control.

f) She went up to her room with customers, asking the barmaid for the key and giving her room number. The customer would go up to the room and she would follow by a different staircase. She received \$50.00 in advance in the room, and had no idea how many customers she could have had in one evening.

g) Nobody else having anything to do with the motel was given

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a cent from the money she received from customers.

h) In cross-examination she stated that on a couple of occasions she had gone to her room because she was sick.

i) She had never asked for permission to leave when she had a customer, but she had never been absent for very long.

j) There might have been some kind of regulation, but she had never been absent for long enough to have it pointed out to her. She was given the key and nothing was said.

k) She conducted her affairs discreetly. The customer pays for this discretion because, in her opinion, it was important not to get caught and she did not know if the management tolerated this type of activity. A barmaid and a doorman supervised the bar, but she managed to get away when she wanted to go up to her room.

In concluding her testimony, she admitted to the crown prosecutor having had dinner with the accused without discussing her testimony.

Another dancer, whom I shall refer to as A.M., also testified. Her testimony can be summarized as follows:

a) Between September 28 and 30, 1982, she worked as a dancer-waitress for the Motel Carrefour de l'Est.

b) On her arrival, she had met with the barmaid Jeannine to find out about the work schedule. The daily routine was to work in the afternoon from 3:00 PM until supper time and then come back from 8:00 PM until 2:00 AM.

c) She positively identified the accused. He was the manager of the establishment. She met him the first evening after the check by the O.P.P. She wanted to find out if she would be working

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the same way, which is to say, was it permissible to go upstairs with a gentleman friend in exchange for a present. He had no objection. He said she had to be careful because when there was an identity check there would be no raid for a while. Care was required, but it was alright to continue.

d) She saw him again that week. He was either in his office or would drop into the downstairs bar.

e) She only started working for the motel on Tuesday, after being sent by an agency.

f) The other dancers - there were about eight of them - arrived at the beginning of the week. Other dancers worked the floor.

g) She explained how she would operate, using the example of the time that eventually led to her arrest.

h) Generally, the customer knew he had twenty minutes. But the regulations given by Jeannine the barmaid set out twenty minutes or more. Once she exceeded twenty minutes. Lise who was at the bar levied a \$10 fine. Jeannine arrived a few minutes later and confirmed the fine. The witness complained to the manager who replied that he could not change the regulations even if she had trouble with a customer.

She was finally caught by the police with a customer in her room.

Under cross-examination,

i) Nathalie (the dancer's name) had begun working two weeks per month in March of that year. She had been dancing and working upstairs since then in order to make money. On the average she

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earned about \$800 per week for five night's work, and in some places seven.

j) She had pleaded guilty in Arthabaska to a charge of being found in a common bawdy-house, and following her arrest she received an absolute discharge.

k) During the week in question she had worked upstairs and downstairs from Tuesday to Saturday. That week she only went upstairs two or three times a day because she thought there were a lot of police around.

l) During September, she worked there for two weeks. She told the police that she had worked in other places between March and September, and there was already a trial underway in Chicoutimi in which she had testified. She had been neither charged nor arrested anywhere else.

m) She doesn't recall the exact expression she used when she asked the manager if she could continue to work both upstairs and downstairs. She may quite simply have asked the manager "we've just had a spot check, can we keep working?" The previous week she had worked but had not spoken with the manager because there was no police surveillance.

n) She stated that when she took her key she was supposed to say why she was leaving. It is correct to say that she could leave for other reasons. It is correct to say that she had been penalized because she had tried to satisfy a man. The manager gave very clear reasons for the penalty when she complained.

o) On Tuesday when the police raided the establishment, the manager stayed for a long time. He accompanied the police. On

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other evenings she rarely saw him.

p) She also tipped the barmaid \$5.00, which had nothing to do with the \$10.00 key deposit.

q) She was prostituting herself with the full knowledge of her boss. Otherwise she would not have had to pay \$10.00 simply to go to her room to change clothes.

She never did it without the knowledge of her boss.

r) It was unnecessary to specify the terms of her hiring, she was going to work there for that reason. She was asked the names of other houses or bars where she had worked, they were always places where she could work upstairs. She swears that she did it with the knowledge of the motel administration.

Jeannine Dubé Nolin also testified.

a) She was a "barmaid" at the motel on September 28, 29 and 30, 1982. She had been working there for three years and one month.

b) The accused had been manager of the establishment for about three years.

c) She worked downstairs at the Bar l'Escapade.

d) The dancers' activities consisted of dancing and serving customers on the floor of the bar. Between five and ten dancers were working there that week.

e) Her job was to decide the shifts of the dancers for the next day on a day-to-day basis, according to the manager's instructions.

f) Near the bar was an exit leading to the upstairs bar or to the motel rooms. She was in charge of a cash register to the right

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of the bar. When the dancers arrived for work, she would advance them money. Then they would serve the customers, and return the money advanced. They would give her an amount varying between \$5.00 and \$10.00, a portion of their tips.

g) She can't say where the dancers stay in the motel because she doesn't go upstairs. She isn't always able to see them going upstairs.

h) She is not directly aware of their working conditions. Probably the managers hires them. She cannot say if they receive a basic salary. When they work from 6:00 to 2:00, they work at the tables. She has the authority to have them work the floor and is helped by a person she calls a "doorman", but it is primarily her responsibility to take care of the dancers.

i) The keys to the dancers' rooms are behind the cash register, so that she can see that they are at work. From time to time, they come to get their keys to go to their rooms to take a shower, for example. Nothing special happens when they go up to their rooms, but if they don't return within the half hour, she tells the "doorman", Raymond Prince. The only reason she puts money in a glass beside the cash register is because money is owed her for the advances she makes to the dancers and for service at the bar. If they haven't been paid by the end of the evening, the manager is informed and he docks their pay according. She makes a note of the amounts owed to her. The regulations require the girls to be at work on time, and they are not allowed to sit down with the customers. There is no provision for penalties if the girls fail to respect the regulations.

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j) The dancers' activities are limited to dancing and working the tables, because "when she can't see, she can't say yes, you have to see to say yes". She can say what happens downstairs but can't say what goes on elsewhere. The money seized and filed as exhibit P-5 belongs to her. It comes partly from service at the bar and partly from repayment of the advances to the dancers. If this money isn't collected, the manager has agreed to dock their pay. On the papers filed as exhibit P-7-2 are written the names of the dancers that night along with their room numbers. She had to be sure to give the right key to the right girl. The names of the girls who arrived late for work along with arrival and departure times appear on P-7-C. On P-7-B is a list of all dancers, allowing her to send them up to dance in the right order; the stroke beside each name indicates the number of times danced. P-7-A is the shift schedule. All of these papers serve to control the work of the dancers.

k) She has been working in this kind of bar for about sixteen years. At the time, the motel had two bars, one of which was on the main floor and had a capacity of four hundred. From time to time during the evening, the accused would drop by. He might come four or five times, never staying for very long. A.M. didn't give her \$10.00 after sleeping with someone, she did not fine her, and had not told her of regulations on the subject.

The Crown declared its case closed.

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- DEFENCE -

The accused, Hans Sandke, was the only witness produced by the defence.

a) He has been motel manager for about three years. The motel has thirty-seven rooms, a club for three hundred on the main floor, and another in the basement where the dancers work. He was responsible for hiring dancers, and hired between six and eight of them in September, 1982.

b) He had heard the testimony that some men had gone to bed with dancers from the motel.

c) Miss A.M. came to his office on September 28 when the police check took place, and she was nervous. He told her that she could keep working because it was a routine check and occurred every two or three weeks. He had not heard of a fine being levied because she had spent too much time with a man.

In cross-examination:

d) He admits that clubs with dancers, including his own motel, have a reputation as being places where prostitution is carried on.

e) He hired two bouncers especially to keep order in the downstairs bar, to watch out for both the dancers and the customers, and to prevent prostitution from being practised in his establishment.

f) He received complaints if the girls stayed outside the bar for too long. Mrs Jeannine Dubé's principal task was to sell drinks, and her second responsibility was to ensure that the dancers did the work they were hired for. He did not supervise the

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floor where the dancers had their rooms because he had no time. He hired employees to do that. Neither the bouncers nor Mrs Dubé had told him that the dancers went upstairs with customers.

g) If anyone had asked him to see some girls, he would certainly have sent him to a dancing club. But he would have been insulted if, in his presence, anyone had said there was prostitution going on in his establishment. Over three years, not one dancer had said she would prostitute herself in his establishment. They know this at the agency, and his policies are well known.

h) Before the raid, the police had been visiting approximately every two weeks. Some overeager police officers had suggested they would close him down, but had never said why. Twice in a period of three and a half years there had been complaints by the dancers of police harassment about prostitution. He did nothing following these complaints, because had there been prostitution, one of his employees would certainly have told him.

i) When an employee couldn't handle a dancer, she would be called to his office and sometimes had to be fired. Never had customers complained of being approached or solicited by dancers for the purpose of prostitution.

The defence declared its case closed.

Both sides rested their cases.

- THE LAW -

1. Legislation

Original page no. 2017

Section 179 (1) of the criminal Code contains the following definitions:

"place" includes any place whether or not

- (a) it is covered or enclosed,
- (b) it is used permanently or temporarily, or
- (c) any person has an exclusive right of user with respect to it.

"common bawdy-house" means a place that is

- (a) kept or occupied, or
- (b) resorted to by one or more persons for the purpose of prostitution or the practice of acts of indecency;

"Keeper" includes a person who

- (a) is an owner or occupier of a place,
- (b) assists or acts on behalf of an owner or occupier of a place,
- (c) appears to be, or to assist or act on behalf of an owner or occupier of a place,
- (d) has the care or management of a place, or
- (e) uses a place permanently or temporarily, with or without the consent of the owner or occupier.

These definitions are crucial in dealing with the case before me.

2. Case Law

Patricia Patterson and Her Majesty the Queen, 1963 S.C.R. 157.

a) The Supreme Court posited the following principle:

"to obtain a guilty verdict on a charge of keeping a common bawdy house, the

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Crown must prove that the place has been used frequently or habitually for the purposes of prostitution. No evidence to that effect had been adduced, nor was there evidence on the basis of which the judge could properly infer that the place had been habitually used for such purposes."

b) After studying the preceding case law, Mr Justice Spence came to the conclusion that in cases where convictions had been obtained, the evidence was adduced in three different ways. He wrote:

"I have considered all the cases cited and I have noted that there has been evidence, in each case where conviction has resulted, of one of three types,
firstly, there has been actual evidence of the continued and habitual use of the premises for prostitution,
secondly, there has been evidence of the reputation in the neighbourhood of the premises as a common bawdy house, or
thirdly, there has been evidence of such circumstances as to make the inference that the premises were resorted to habitually as a place of prostitution, a proper inference for the court to draw from such evidence."

This is the case law applicable to the matter before me.

- CONCLUSIONS -

1. Without taking into account Jeannine Dubé Nolin's testimony, the Crown has established that prostitution took place in the Motel Carrefour de l'Est in Victoriaville on or about September 30, 1982, specifically on September 28, 29 and 30. Defence counsel even admitted this in his summing

Original page no. 2015

up.

2. The evidence as a whole proves that the accused was manager of the establishment and is sufficient proof that he was the keeper of the establishment within the meaning of the Code.

3. The evidence as a whole proves that the Motel Carrefour de l'Est was a place within the meaning of the Code.

4. The accused testified that he was unaware the motel was used for prostitution.

5. It comes down to determining if this testimony can be true, considering the evidence adduced by the Crown, and if it is reasonable and probable considering all of the surrounding circumstances.

6. In general, this testimony cannot be retained. Specifically, it cannot be retained because:

a) The accused had held his position for about three years. With his considerable experience in this field, he could not have been unaware of the obvious.

b) The accused was sufficiently present on the premises to know what was going on. He cannot get off by trying to make his employees responsible for knowledge of prostitution being carried on in the motel.

c) With his co-operation the police made regular visits to the premises to control the dancers.

d) It seems to me to be impossible that the dancers prostituted themselves without the explicit or tacit

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collusion of the accused.

e) At the end of his testimony, the accused even admitted that places where dancers worked, including his motel, had a reputation for being places where prostitution was practised.

f) The accused testified before me, and I consider him to be intelligent. He seemed embarrassed about lying in Court, and knew very well what was going on in the motel.

7. The accused did not tell the truth. His testimony is unreasonable and unlikely to be true in light of the circumstances.

8. The Crown called Jeannine Dubé Nolin as a witness, who I qualify as chief "barmaid". She had held her position there for about three years, and had held similar positions in other places in the past. She dealt with the dancers on a regular basis and had to be sure that they did not stay in their rooms too long. I do not wish to dwell at length on her testimony, but it seems to me to have little relationship with the truth. It is illogical and contrary to common sense that she did not realized prostitution was being carried on in the motel. She gave trite answers to serious questions. Her testimony is above all unrealistic, as well as unreasonable and unlikely to be true.

9. It is now necessary to determine if the remaining Crown evidence is sufficient to prove the guilt of the accused beyond a reasonable doubt. The evidence must establish that the motel was a common bawdy-house within the

Original page no. 40

criteria set forth by the Supreme Court in the Patterson case, cited above.

10. The Crown evidence, that is, the testimony of the O.P.P. officers, the two dancers and the three individuals, is adequate in my opinion. This testimony is overwhelming and shows that on several occasions on September 28, 29 and 30, 1982, prostitution was going on in the motel in a reserved section where the dancers lived.

11. Consequently, the Crown evidence is sufficient for me to infer from the surrounding circumstances and the evidence that the motel was a place used frequently or habitually for prostitution.

12. Therefore the Crown has proven the accused's guilt beyond a reasonable doubt.

CONSEQUENTLY, I find him guilty of the criminal act as charged in the information.

Arthabaska, April 27, 1984

JUSTICE OF THE SESSIONS
OF THE PEACE

Gérald Milot,

Crown Prosecutor

Denis Levigne,

Defence Counsel

APPENDIX 24

ISSN 0822-5755

Ontario Lawyers Weekly

Price: \$1 per issue, \$25 per year

Vol. 3, No. 2 Friday, May 11, 1984

Provision not 'demonstrably justified'

Charter undermines bawdy house inmates charges

A 1981 Ontario Law Society report by Justice Schwartz

IN A DECISION rendered in a recent case, the Ontario Court of Appeal has found that the provision in the Charter of Rights and Freedoms which guarantees the right to a fair trial is not "demonstrably justified" in the context of a bawdy house inmate's charges.

The court judge has ruled that the Charter's provision which makes it impossible for a bawdy house inmate to be charged with a crime unless he or she is a resident of the house is not "demonstrably justified" in the context of a bawdy house inmate's charges.

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Charter undermines bawdy house inmate charges

It can only be led to the final conclusion that s. 193 is not enforceable," Judge DiCenzo said.

In an exclusive interview, Mr. Collins' defence counsel, John R. Collins of Toronto, told Ontario Lawyers Weekly that he argued at trial that s. 193 infringed on his client's Charter rights to pursue the gaining of a livelihood in any province (s. 6(2)(a)) under the head of mobility rights) and to the life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice (s. 7).

"Although we say it's fine and lawful for a prostitute to ply her trade," he said, "the effect of this legislation is to prevent her from earning an income because anytime there is a place or business that is restricted to regularly by her clients, the law can say 'Well that's a lovely house, and we're shutting you down.'"

Mr. Collins argued the section is not merely regulatory but prohibitive. "The case is as simple as the prostitute has a single place of business that is it's restricted to regularly, then this legislation has the effect of putting her out of business by making it unlawful."

"So it's okay for her to pick a different hotel room every night . . . and

society, practically every business which is conducted has some form of regulation and restriction, from zoning by-laws, building by-laws, environmental regulations as to emissions and each one of them you could find a reason for the particular restriction . . . it could affect the rights of other citizens."

In his reasons for judgment, Judge DiCenzo noted "in not very complex

continued on page 14



Toronto lawyer John R. Collins who successfully argued that s. 193 infringes on his client's s. 6 right to "pursue the gaining of a livelihood in any province."

APPENDIX 25

La Presse, May 12, 1984

BATTLE AGAINST PROSTITUTION

Guardian angels in Vancouver go for the clients

Special report from Pierre D'Amour in Vancouver

There is a small park at the corner of Pendrell and Nicola streets in Vancouver's west end. By day, local residents -- mainly young families and senior citizens -- gather here to relax, read, and enjoy the spring flowers.

Around midnight, however, the little Nicola Street park takes on a different aspect. It becomes the scene of an on-going battle between residents who want to preserve their quiet neighbourhood, and an army of intruders consisting of young male and female prostitutes, and their clients.

"We have no choice, we have to confront them. If we leave them alone the neighbourhood will become uninhabitable. People will move away and Vancouver will have its first ghetto!" This declaration of war comes from Don Odergaard. In the past month, this trim blond school teacher has become the champion of west-end Vancouver's battle against prostitution.

Along with 300 other local residents, Odergaard organized "Shame the Johns", a movement to embarrass the clients of prostitutes. Divided into groups of 15 to 30 individuals, the group's members patrol the area around Nicola Park and the west-end streets where soliciting is common.

Odergaard and Raimo Heitekangas, a big man of Norweigan stock, move from one patrol group to another, acting as leaders and strategists, encouraging a group here, moving another group to a busier location. Accompanying Odergaard and Heitekangas on their patrol is like entering another world, a sordid world. The neighbourhood has one of the highest population densities in Canada; 40,000 people live here in a forest of skyscrapers jammed into a four-square kilometre area, next to the downtown core. The area affected by prostitution is limited to a dozen street corners just beyond the main west-end arteries, Davie and Denman.

"We're not after the prostitutes, who are only victims anyway. As far as we're concerned, they are free to practise their trade. We'd like them to practise it elsewhere, that's all" says Odergaard.

The movement's efforts are directed at clients, using a non-aggressive approach. Patrol groups are stationed near the prostitutes, where they take down license numbers from clients' cars. This information allows them to find out a customer's identity. Over the next few days group members will visit the clients. They neither threaten nor lecture, but simply ask that the individual refrain from frequenting west-end prostitutes.

This kind of publicity seems to pay off. Police authorities confirm that since "Shame the Johns" has been in operation, the number of prostitutes has decreased dramatically, as much as by half, according to some estimates, and that those who remain are not doing very good business anymore.

The prostitutes, however, are not letting the situation drop there. Last week male and female operators gathered to reclaim their territory. At midnight one Saturday they appeared in record numbers around Nicola Park, where they provoked a confrontation with the "Shame the Johns" patrols. A few streets over, a similar incident was taking place. The residents refused to be provoked, and the prostitutes finally left the area.

Since then, the patrols have continued. Hours were changed this week, to confound the prostitutes. Patrols are organized early in the morning and at noon as well, since prostitution has no fixed hours; and the police are never far away. "There have been rocks and knives, but fortunately the police are on our side", says Odergaard. "If anyone gives us trouble the police are quick to move in".

How long will the battle go on? "As long as it takes," Odergaard replies. "We have a duty to win this fight, not just to save our neighbourhood, but also to protect other Canadian cities. If prostitutes manage to take over here in Vancouver, the same thing could happen somewhere else."

APPENDIX 26

NOTICE TO RESIDENTS OF THE CARRE ST-LOUIS AREA

The Carré St-Louis residents' group, which met on the evening of Monday March 26, has formed a committee made up of local street representatives. The committee will be responsible for presenting a proposal to solve problems posed by prostitution and traffic. Here are the results of the committee's efforts.

Proposal to alter traffic patterns in the Carré St-Louis area

Objectives

1. To impede heavy traffic and the free passage of heavy vehicles in what is primarily a residential area.
2. To prevent the streets in this neighbourhood from being used as short cuts and alternatives to the traffic-light systems on the adjacent main arteries.
3. To eliminate as far as possible routes favoured by motorists who solicit prostitutes from their cars.

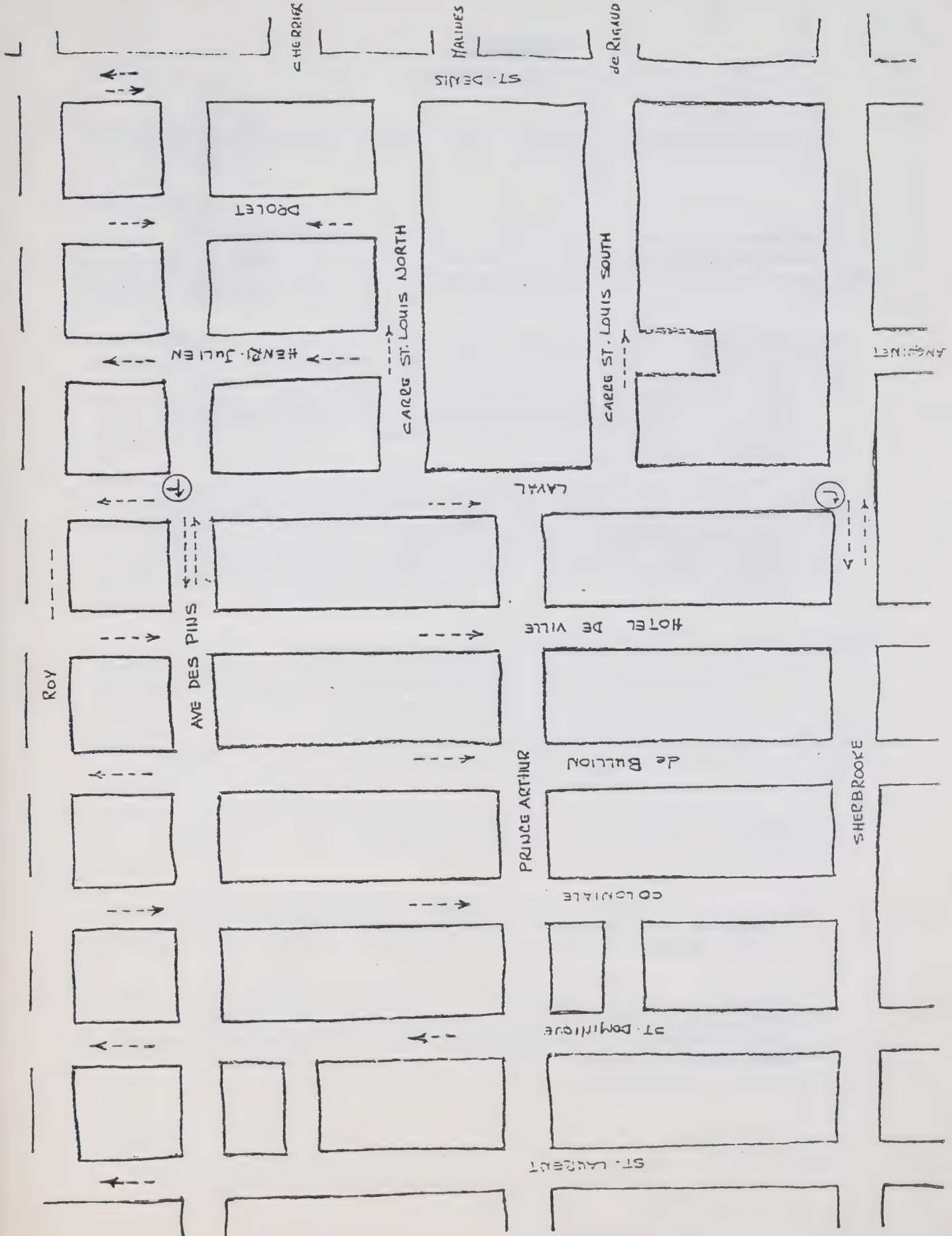
NB: This is an overall strategy which takes into account the impact on traffic of the Prince Arthur Street pedestrian mall extending from St-Louis Square as far as St-Laurent Boulevard. The sector covered by the proposal is bounded by St-Denis to the east, St-Laurent to the west, Des Pins to the north, and Sherbrooke to the south.

Proposal

1. On Laval Avenue, and on De Bullion and Coloniale streets, traffic will run from north to south.
2. Traffic on St-Louis Square North and St-Louis Square South will be redirected to move from west to east.
3. Traffic on Drolet Street will be redirected to move from south to north.
4. To prevent the north-south streets between Des Pins and Sherbrooke from being used as alternatives to the section of St-Denis which runs parallel, left turns will not be allowed from any part of Des Pins Avenue between St-Denis and St-Laurent, for east-west traffic.
5. Cars travelling down Laval Avenue will have to turn right at the corner of Laval and Sherbrooke.

6. Speed bumps will be installed on Laval Avenue across from the park, and on Hôtel de Ville and De Bullion streets in front of the playground, to facilitate access for children.

ALL LOCAL RESIDENTS ARE INVITED TO DISCUSS THIS PROPOSAL AT A MEETING ON APRIL 2 AT 7:30 PM AT THE ALLO MONDIAL RESTAURANT, 3660 ST-DENIS. OTHER PROPOSALS ON PROSTITUTION AND PARKING WILL BE ON THE AGENDA. WE'RE LOOKING FORWARD TO A GOOD TURNOUT!



APPENDIX 27



C.L.S.C.
centre-ville

1199 rue de Sicury
Montréal Québec
H3B 3J1
Tél.: 866-5761

Madame,
Monsieur,

En raison du genre de délit dont vous êtes accusé, il se pourrait que vous soyez atteint d'une maladie vénérienne.

De façon à pouvoir l'établir avec précision, veuillez communiquer dès aujourd'hui avec le Centre de dépistage des maladies vénériennes du C.L.S.C. Centre-Ville (tél. 866-5761), afin d'obtenir un rendez-vous à une date qui vous convienne pour la tenue d'un examen médical.

Le juge en chef
Cour Municipale de Montréal

Madam:
Sir:

Because of the nature of the offence with which you are charged, it is possible that you may be suffering from a venereal disease.

In order that this may be verified with certainty, please communicate immediately with the venereal disease detection centre of the Downtown Local Community Service Centre (C.L.S.C. Centre-Ville), telephone 866-5761, to make an appointment for a medical examination on a date convenient for you.

The Chief Judge
Montreal Municipal Court

APPENDIX 28

The following text is taken from the Montreal GRIMP report of August 1982.

La Piaule

We at La Piaule welcome girls, transvestites and transsexuals working as prostitutes on "the Main". La Piaule is an evening drop-in centre, open from noon until late at night, corresponding to the working hours of the girls* on "the Main".

La Piaule is a meeting place away from work stations (which may be streets, alleys, parking lots, bars, taverns, and tourist rooms) where girls can drop in to talk, undisturbed by clients, the curious, and others. La Piaule is intended as a quiet, accepting atmosphere in the heart of a confusing, stressful environment.

The girls appreciate La Piaule as a place where they can come to relax, if only for short periods. Some girls work every day, regardless of the weather. They may walk the streets for miles, and they are almost all affected by prolonged drug use, which is practically an occupational hazard. These young people often have serious personal problems. A drop-in centre such as this is an essential service.

La Piaule also consists of a team of volunteers -- men and women who are available and are good listeners. Roger, a street worker, organized La Piaule and the team which runs it. He maintains the link between the centre and the girls on the street. Roger is different from the other men the girls usually meet. He is neither a client, nor a drug dealer, nor a "pimp", nor a plainclothes officer, nor a down-and-out, nor a hustler. The girls can get together with Roger and his team members to talk, to ask for help and advice, or to have someone to confide in. This is an opportunity for them to see and experience other, better ways of life than what they have come to know on the street.

The assistance provided is short term, tailored to the girls' needs. Our workers are not distant bureaucrats in sterile offices. We feel that the location and the atmosphere of La

* We use the term "girls" simply for purposes of readability, without intending any discrimination on the grounds of the actual, desired, imitated, or changed sex of those concerned.

Piaule are more appropriate and more acceptable to the girls than professional settings.

La Piaule was furnished and decorated gradually, at first with contributions from the girls, and later with those of other individuals and groups. Slowly, a feeling of belonging has developed. The atmosphere is warm and welcoming, cosy and homey.

There is only one rule at La Piaule: confidentiality. There are no log books, and no files on the age or sex of individuals, or on their motives for becoming prostitutes. Whatever is said is expressed voluntarily and not in response to any pressure. The girls discuss whatever they wish or feel the need to talk about. Help is available if and when the girls ask for it. This is another dimension of the kind of service that we consider appropriate to prostitutes.

Another element which we consider equally important to operation of La Piaule is its autonomy in relation to sponsors. The centre is run democratically and, as a result, La Piaule and its team are accepted and appreciated by the girls and the milieu, which is quite an achievement. We feel, as do many others, that the best way to judge the relevance and effectiveness of a service designed for a particular group is the attitude of that group toward the service.

This brief overview hardly does justice to the perseverance of team members and to their positive approach. However, we have tried to give you some idea of their efforts and, we hope, to help broaden the horizons of young and not-so-young prostitutes.

APPENDIX 29

PIAMP - Programme d'intervention auprès des mineur(es)
prostitué(es) -- action program for juvenile
prostitutes

FINANCING

PIAMP is an organization composed mainly of volunteers from various backgrounds. Like many other community groups, PIAMP is in a precarious financial position.

Until now, operating and assistance funds have been subsidized by Ozaname Inc and by certain religious communities.

Permanent staff have provided some stability. They were hired through short-term government grants, which we hope can be renewed.

PIAMP is seeking financing to establish its service for juvenile prostitutes.

If you can help, please contact

P O Box 28, Station "N"
Montreal, Quebec
842-2909

"RE-PAIRE" CENTRE

At our drop-in you'll find people you can trust who will give you a hand, if you need it. There is a bank of resources here on

- accommodation
- emergency assistance
- employment
- placements
- legal aid
- psychological aid
- other related organizations
- recreational activities
- return to school

This is also a safe, permanent place with a telephone and mailing address that you can use as a base while you get on your feet.

You can drop-in here to relax, to talk, or to get involved.

The "Re-paire" is located at 282 Ste-Catherine East, Montreal.

(514) 842-2909

BACKGROUND

PIAMP Inc was founded with the support of the Bureau de Consultation Jeunesse de Montréal (Montreal youth advisory office) in January 1981. It has worked toward its objective of developing specific resources for a marginal clientele whose living conditions are often precarious.

With constant attention to the appropriateness of our approach, we have gradually developed a service, the "Re-paire" drop-in, strategically located in the downtown core. This was the first phase of our plan.

DROP-IN

The "Re-paire" welcomes all young people who may drop-in to relax, talk, or take steps to improve the quality of their lives, particularly through the use of resources made available to them (references and documentation on education and employment). The transition to a more healthy lifestyle is encouraged by the centre's workers (who are there to listen rather than to question), and by the experience of those who have already succeeded, a relevant factor in community action.

This centre, which is one of the PIAMP resources, is stocked with as much relevant material as possible. There is an information bank on accommodation, volunteer agencies, legal assistance, government programs, and so on, which we use to good advantage.

ACTION

As it developed, PIAMP identified essential priorities for action, which can be divided into four areas.

Youth concerns

- the development of effective and preventive methods for action with young people, in accordance with their psychological, social and cultural needs.

Community concerns

- dissemination of information to cultivate awareness and understanding of the phenomenon of prostitution

The general public

- bringing to light the needs of juvenile prostitutes through the media, by means of information sessions, for example

Workers

- information sessions for workers to improve the quality of their approach, in co-operation with the various agencies working with young people

APPENDIX 30

QUESTIONNAIRE FOR PROSTITUTES

Confidential

Section 1

- 1) Pseudonym
- 2) Number of interviews
- 3) Average duration of interviews
- 4) Reason(s) for participating
- 5) Contacts suggested
- 6) Type of respondent

Section 2

- *7) Sex
 - a) Male
 - b) Female
- 8) Sexual orientation
 - a) Heterosexual
 - b) Bisexual
 - c) Homosexual
- 9) Particular sexual characteristics or activities
 - a) Transvestite
 - b) Transsexual
 - c) Other (specify)
- *10) Age or age category
- 11) Linguistic group
 - a) Francophone
 - b) Anglophone
 - c) other (specify)
- 12) Racial group
 - a) Caucasian
 - b) Black
 - c) Oriental
 - d) Native
- 13) Citizenship
 - a) Canadian citizen
 - b) other citizenship (specify)
 - c) landed immigrant
 - d) other (specify)

14) Civil status

- a) single
- b) married
- c) divorced
- d) separated
- e) widow(er)
- f) remarried
- g) common-law relationship

*15) What is your educational background?

- a) no schooling
 - b) primary school (specify the year you left)
 - c) secondary school (specify the year you left)
 - d) college (specify the year you left)
 - e) university (specify the year you left)
- List any diplomas earned.

16) Where were you born?

- a) Canada
- b) other country (specify)

17) If you were born in another country, list the date you arrived in Canada.

18) If you were born in Canada, list

- a) province of birth
- b) city of birth

19) Are you an orphan?

- a) yes
- b) no

20) If so, specify whether you have lost

- a) your mother
- b) your father
- c) both parents

21) Do you have brothers and/or sisters?

- a) yes
- b) no

22) If so, how many?

- a) brothers
- b) sisters

- 23) When you were a child who raised you?
- a) your mother and father
 - b) your mother
 - c) your father
 - d) one or more relatives (specify whom, and why)
 - e) crown ward
 - f) religious organization(s)
 - g) other (specify)
- 24) Are your parents
- a) still married?
 - b) divorced?
 - c) separated?
 - d) remarried? (if this applies to only one parent, specify which one)
 - e) living common-law? (if this applies to only one parent, specify which one)
- 25) What is the occupation of
- a) your father?
 - b) your mother?
- 26) If they are not working, what do they live on?
- 27) What is their educational background?
- a) father: 1 - no schooling 2 - primary 3 - secondary
 4 - college 5 - university
 - b) mother: 1 - no schooling 2- primary 3 - secondary
 4 - college 5- university
- *28) Do you consider your family environment was
- a) very poor?
 - b) poor?
 - c) "average"?
 - d) rich?
 - e) very rich?
- *29) Before you became a prostitute, had any member of your family already been arrested for criminal offences?
- a) yes b) no
- 30) How long have you been independent of your family or guardian(s)?
- 31) Did you become independent
- a) voluntarily?
 - b) involuntarily?
 - c) by obligation or constraint?
- Explain the circumstances involved.

- *32) Before you became independent, were you
- a) very unhappy?
 - b) unhappy?
 - c) happy?
 - d) very happy?
 - e) do not know
- *33) Before you became a prostitute, had you ever been arrested?
- a) yes
 - b) no
- 34) If so, how often and for what offences?
- 35) Since you have been independent, have you maintained relations with your family or guardian(s)?
- a) yes
 - b) no
- 36) If not, why not?
- 37) If so, are you in touch with them
- a) rarely?
 - b) sporadically?
 - c) frequently?
- 38) Are your relations with them important to you?
- a) yes
 - b) no
- 39) If not, why not?
- 40) If so, why?
- 41) At what age did you become sexually active?
- *42) Have you ever had forced sexual relations with one or more members of your family?
- a) yes
 - b) no
- If you answered "no" to question 42, go on to question 45.
- 43) If you answered "yes" to question 42, specify the family member.
- a) father
 - b) mother
 - c) brother
 - d) sister
 - e) uncle
 - f) aunt
 - g) grandfather
 - h) grandmother

- 44) How old were you when these relations began?
- *45) Before you became a prostitute, had you ever been raped?
- a) yes
 - b) no

Section 4: Socio-economic situation prior to becoming a prostitute

- 46) Before you became a prostitute, had you had other jobs?
- a) yes
 - b) no
- 47) If so, what were the most important jobs? (List them in descending order of importance.)
- 48) If not, what was your source of income between the time you became independent and the time you began to prostitute yourself?
- a) social assistance
 - b) family assistance
 - c) help from friend(s)
 - d) other (specify)
- *49) Before you became a prostitute, were you
- a) very poor?
 - b) poor?
 - c) "average"?
 - d) well off?
 - e) very well off?
- *50) Before you became a prostitute, did you have any contact, direct or indirect, with the prostitution "scene"?
- a) yes
 - b) no
- *51) If yes, explain.
- a) prostitute friend(s)
 - b) family members in the trade
 - c) prostitutes around you
 - d) other (explain)
- *52) Before you became a prostitute, did you drink?
- a) yes
 - b) no

- *53) If yes
 - a) a little?
 - b) moderately?
 - c) heavily?
 - d) I was an alcoholic
- *54) Before you became a prostitute, did you use one or more types of drugs?
 - a) yes
 - b) no
- 55) If yes, which type(s)? (List in descending order of importance.)
 - a) marijuana
 - b) hashish
 - c) cocaine
 - d) heroin
 - e) other(s) (specify)
- *56) Did you use drugs
 - a) a little?
 - b) moderately?
 - d) heavily?
 - d) I was "hooked".

Section 5: Why the prostitute entered the trade and his or her attitudes toward it

- *57) How many months or years have you been a prostitute?
 - a) months
 - b) years
- *58) Do you feel that you became a prostitute
 - a) intentionally?
 - b) unintentionally?
 - c) under duress?
- *59) If your answer was "intentionally", explain.
 - a) on the advice of friend(s)
 - b) family influence
 - c) desire to improve financial situation
 - d) for adventure
 - e) other (specify)
- *60) If your answer was "unintentionally", explain.
 - a) temporary but urgent need for money
 - b) exceptional circumstances
 - c) other (explain)

- *61) If your answer was "under duress", explain.
 - a) threats from one or more individuals
 - b) pressure from a boyfriend/girlfriend
 - c) family pressures (explain)
 - d) other (explain)
- *62) Do you earn your living from prostitution?
 - a) partly
 - b) mainly
 - c) entirely
- 63) If you answered "partly" or "mainly" to the preceding question, what is/are your other source(s) of income? (Specify in percentages).
- *64) Do you like this job?
 - a) yes
 - b) no
- 65) If yes
 - a) somewhat
 - b) a lot
 - c) very much
- 66) Is it a job you would recommend?
 - a) yes
 - b) no
- *67) What do you consider to be the main advantages of the job, in descending order of importance?
 - a) the income
 - b) the feeling of freedom
 - c) the environment
 - d) other(s) (specify)
- *68) What do you consider to be the main disadvantages of the job, in descending order of importance?
 - a) risk(s) to personal security (explain)
 - b) venereal diseases
 - c) health risks (explain)
 - d) marginalization
 - e) reaction from society and from family
 - f) theft
 - g) rape
 - h) other(s) (explain)
- *69) In general, do you take precautions to prevent sexually transmitted diseases?
 - a) yes
 - b) no

- 70) If so, what precautions?
- a) use of condoms
 - b) checking to see that the client looks clean
 - c) regular medical check-ups
 - d) personal hygiene
 - e) other
- *71) In general, does the client agree to these precautions?
- a) yes
 - b) no
- 72) How do you react if the client refuses these precautions?
- *73) Have you ever been raped because you were a prostitute?
- a) yes
 - b) no
- *74) If so, how often? Did you report the incident(s)?
- | | | | |
|------|--------------|------|--------------------|
| 74.1 | Number _____ | 74.2 | Reported to police |
| | | a) | yes |
| | | b) | no (why not?) |
- *75) Since you have had this job, has your drinking increased?
- a) yes
 - b) no
- 76) If yes
- a) a little
 - b) a lot
 - c) a great deal
- *77) Since you have had this job, has your drug use increased?
- a) yes
 - b) no
- 78) If yes
- a) a little
 - b) a lot
 - c) a great deal
- *79) Are you generally under the influence of alcohol when you are working?
- a) yes
 - b) no
- *80) Are you generally under the influence of drugs when you are working?
- a) yes
 - b) no

- *81) As a prostitute, what services do you offer? List the rates charged, if possible.
- a) coitus
 - b) masturbation
 - c) anal penetration (passive and/or active)
 - d) fellatio
 - e) cunnilingus
 - f) other(s) (specify)
- 82) How much longer would you like to work at this job?

Section 6: Relations between procurers and prostitutes

- *83) Have you had or do you have a "pimp" (procurer)
- a) yes
 - b) no
- 84) If not, why not? Go on to question 103.
- 85) If yes, since when or for how long?
- 86) Are/were you the only prostitute working for your procurer(s)?
- a) yes
 - b) no
- 87) Have you had more than one procurer since working as a prostitute?
- a) yes
 - b) no
- 88) If so, how many?
- 89) Why did you change procurer(s)?
- *90) What type of relationship do/did you have with your procurer(s)?
- a) romantic
 - b) friendly
 - c) business
 - d) other(s) (specify)
- 91) Does your current procurer(s) or did your former procurer(s) have another job(s)?
- a) yes
 - b) no
- 92) If so, what are/were they?

- *93) What are your procurer's duties and responsibilities?
- a) to protect you
 - b) to supply you with clients
 - c) to set rates
 - d) to provide you with legal assistance
 - e) other(s) (specify)
- *94) What are your obligations to your procurer?
- a) to respect financial agreements
 - b) to obey him/her in terms of your professional conduct
 - c) to be obedient, even in private life
 - d) other(s) explain
- *95) Are/were you satisfied with your procurer(s)?
- a) yes
 - b) no
 - c) more or less
- 96) Give reasons.
- *97) Does/did your procurer(s) use violence against you?
- a) yes
 - b) no
- *98) If so
- a) rarely
 - b) often
 - c) regularly
- 99) Why?
- *100) Could you or were you ever able to leave your procurer(s) voluntarily?
- a) yes
 - b) no
- 101) If not, explain why not.

Section 7: Relations between facilitators and prostitutes

- *102) Have you now or have you ever had one or more facilitators?
 - a) yes
 - b) no
- 103) If you answered "no", explain why not and then go on to question 113.
- 104) If so, how many?
- *105) Do they now or did they have one or more other jobs?
 - a) yes
 - b) no
 - c) do not know
- 106) If so, what were they?
 - a) doorman
 - b) taxi driver
 - c) waiter
 - d) other(s) (specify)
- 107) What are the advantages of having one or more facilitators?
- 108) Are there disadvantages or risks?
 - a) yes
 - b) no
- 109) If so, what are they?
- 110) Is it easy to break ties with a facilitator?
 - a) yes
 - b) no
 - c) do not know

Section 8: Relations between prostitutes and clients

- *111) What sex are your clients?
 - a) male
 - b) female
 - c) both males and females

- *112) What is their average age?
- a) 20-25
 - b) 30-35
 - c) 35-40
 - d) 40-45
 - e) 45-50
 - f) 50-55
 - g) 55-60
 - h) 60-65
 - i) 65-70
- 113) Generally, from what linguistic group are your clients?
- a) Francophone
 - b) Anglophone
 - c) other(s) (specify)
- 114) Generally, from what racial group are your clients?
- a) Caucasian
 - b) Black
 - c) Oriental
 - d) Native
- 115) Generally, are your clients users of pornographic material?
- a) yes
 - b) no
 - c) do not know
- 116) Generally, are your clients
- a) Canadian citizens?
 - b) citizens of other countries? (specify)
 - c) landed immigrants?
 - d) other (specify)
- *117) Generally, what is their civil status?
- a) married
 - b) divorced
 - c) separated
 - d) widow(er)
 - e) single
 - f) common-law relationship
- *118) What is/are their reason(s) for using your services?
- a) unhappy family life
 - b) brief, uncomplicated sexual relations
 - c) satisfaction of "special" needs
 - d) shyness
 - e) disadvantageous physical appearance
 - f) do not know
 - g) other(s) (explain)

- *119) What percentage of your clients are regulars?
 - a) 0-20
 - b) 20-40
 - c) 40-60
 - d) 60-80
 - e) 80-100
- 120) Generally, do you have other than business relations with them?
 - a) yes
 - b) no
- *121) Have you ever been attacked by a client?
 - a) yes
 - b) no
- *122) If so
 - a) rarely?
 - b) sporadically?
 - c) regularly?
- *123) Generally, are your clients
 - a) poor?
 - b) economically "average"?
 - c) rich?
 - d) very rich?
- *124) What services are required most often?
 - a) coitus
 - b) fellatio
 - c) cunnilingus
 - d) masturbation
 - e) anal penetration (active or passive)
 - f) group sex
 - g) other(s) (specify)

Section 9: Prostitutes and income

- *125) How much do you earn on average?
 - a) per week
 - b) per month
 - c) per year

*126) What percentage of your earnings do you hand over to your procurer?

- a) 10-20
- b) 20-30
- c) 30-40
- d) 40-50
- e) 50-60
- f) 60-70
- g) 70-80
- h) 80-90
- i) 90-100

127) Do you receive any of that money back?

- a) yes
- b) no

128) If so, what percentages?

- a) 10-20
- b) 20-30
- c) 30-40
- d) 40-50
- e) 50-60
- f) 60-70
- g) 70-80

129) In what form?

- a) clothes
- b) gifts
- c) trips
- d) drugs
- e) outings
- f) other (specify)

*130) Do you have expenses directly related to your work?

- a) yes
- b) no

*131) If so, for what?

- a) clothes
- b) make-up
- c) apartment
- d) alcohol
- e) drugs
- f) transportation
- g) condoms
- h) other (specify)

*132) What percentage of your income do you spend on alcohol?

*133) What percentage of your income do you spend on drugs?

- 134) Who pays your facilitator(s)?
a) you
b) your procurer
c) your clients
- *135) If you do, what percentage of your earnings do you pay?
a) 10-20
b) 20-30
c) 30-40
d) 40-50
- 136) Do you have another job?
a) yes
b) no
- 137) How much do you earn from that job?
- *138) Do you have to pay bribes in order to do your job?
a) yes
b) no
- 139) If so
a) rarely?
b) often?
c) regularly?
- *140) To whom do you pay these bribes?
a) to doormen
b) to police officers
c) to motorcycle gangs
d) to others (specify)
- *141) Since you have been working, have you amassed any personal savings in your name?
a) yes
b) no
- 142) If so, how much?
- *143) Do you pay anyone other than a procurer for protection?
a) yes
b) no
- 144) If so, do you do this voluntarily?
a) yes
b) no

Section 10: Prostitutes and the law

- *145) Have you been arrested for soliciting in the last five years?
 - a) yes
 - b) no
- 146) If so, how many times?
- *147) What was the outcome?
 - a) fine(s)
 - b) imprisonment
 - c) other (explain)
- *148) Since you have been working as a prostitute, have you been arrested for other offences?
 - a) yes
 - b) no
- 149) If so, for what?
- *150) What kind of attitude do the police have toward you?
 - a) tolerant
 - b) arrogant
 - c) contemptuous
 - d) friendly
 - e) systematically harassing
 - f) other (explain)
- *151) Are you satisfied with the current legislation on prostitution?
 - a) yes
 - b) no
 - c) do not know
- 152) As far as you are concerned is it
 - a) harsh?
 - b) too harsh?
 - c) fair?
 - d) do not know
- 153) As far as the client is concerned is it
 - a) harsh?
 - b) too harsh?
 - c) fair?
 - d) do not know

- 154) As far as procurers are concerned is it
- a) harsh?
 - b) too harsh?
 - c) fair?
 - d) not harsh enough?
 - e) do not know
- *155) Would you like to see the legislation on prostitution amended?
- a) yes
 - b) no
 - c) indifferent
- *156) To what end?
- a) decriminalization
 - b) legalization
- *157) If it was legalized, would you respect the law?
- a) yes
 - b) no
 - c) do not know

Section 11: Mobility outside the city

- *158) Do you ever work out of town?
- a) yes
 - b) no
- If not, go on to question 170.
- *159) If so
- a) rarely?
 - b) sporadically?
 - c) regularly?
- *160) Do you travel to one or more cities in Quebec? (Specify)
- *161) Do you travel to one or more other cities, in one or more other Canadian provinces? Specify.
- *162) Do you travel to one or more cities in one or more other countries? Specify.
- *163) What are your reasons for travelling?

Section 12: Organization of work in city of residence

- *164) In which city do you work?
- *165) Where do you recruit your clients?
 - a) on the street
 - b) bars
 - c) hotels
 - d) massage parlour
 - e) escort agency
 - f) other (specify)
- 166) How do you solicit your clients?
 - a) verbal solicitation
 - b) classified ads
 - c) reputation
 - d) other (specify)
- 167) Do you use pornographic material in your work?
 - a) yes
 - b) no
- *168) Do you travel within the city?
 - a) yes
 - b) no
- 169) If so, why?
- *170) Has any particular legislation affected the way you work in the past few years?
 - a) yes
 - b) no
- *171) Which law or by-law?
- 172) Do you have a regular work schedule?
 - a) yes
 - b) no
- *173) Do you have an area or sector reserved for you?
 - a) yes
 - b) no
- 174) Is this also true of your colleagues?
 - a) yes
 - b) no
 - c) do not know

- 175) Is there conflict between you and your colleagues regarding "reserved work schedules and areas"?
a) yes
b) no
- *176) Do you work alone?
a) yes
b) no
- *177) If you work in a team, are you part of an organized network?
a) yes
b) no
- 178) Are there any advantages or disadvantages to working in a team?
a) yes
b) no
- 179) If so, what are they?
- 180) Do you take vacations?
- 181) Are there slack periods?
a) yes
b) no
- 182) If so, does this occur
a) seasonally?
b) throughout the day?
c) throughout the week?
- 183) Are particular services requested or offered at certain times of the day? Specify.
a) yes
b) no

Additional information

APPENDIX 31

QUESTIONNAIRE FOR PROSTITUTES

Abridged Version

Confidential

Section 1

- 1) Pseudonym
- 2) Number of interviews
- 3) Average duration of interviews
- 4) Reason(s) for participating
- 5) Contacts suggested
- 6) Type of respondent

Section 2: Identification

- 7) Sex
 - a) Male
 - b) Female
- 8) Age or age category
- 9) What is your educational background?
 - a) no schooling
 - b) primary school (specify the year you left)
 - c) secondary school (specify the year you left)
 - d) college (specify the year you left)
 - e) university (specify the year you left)List any diplomas earned.

Section 3: Prostitute's background

- 10) Do you consider your family environment was
 - a) very poor?
 - b) poor?
 - c) economically "average"?
 - d) rich?
 - e) very rich?
- 11) Before you became independent, were you
 - a) very unhappy?
 - b) unhappy?
 - c) happy?
 - d) very happy?
 - e) do not know

- 12) Before you became a prostitute, had you ever been arrested?
a) yes
b) no
- 13) Have you ever had forced sexual relations with one or more members of your family?
a) yes
b) no
- 14) Before you became a prostitute, had you ever been raped?
a) yes
b) no
- 14.1) Before you became a prostitute, had any member of your family been arrested?
a) yes
b) no

Section 4: Socio-economic situation prior to becoming a prostitute

- 15) Before you became a prostitute, were you
a) very poor?
b) poor?
c) economically "average"?
d) well off?
e) very well off
- 16) Before you became a prostitute, did you have any direct or indirect contact with the prostitution "scene"?
a) yes
b) no
- 17) If yes, explain.
a) prostitute friend(s)
b) family members in the trade
c) prostitutes around you
d) other (explain)
- 18) Before you became a prostitute, did you drink?
a) yes
b) no
- 19) If so
a) a little?
b) moderately?
c) heavily?
d) I was an alcoholic.

- 20) Before you became a prostitute, did you use one or more types of drugs?
- a) yes
 - b) no
- 21) Did you use drugs
- a) a little?
 - b) moderately?
 - c) heavily?
 - d) I was "hooked".

Section 5: Why the prostitute entered the trade and his or her attitudes toward it

- 22) How many months or years have you been a prostitute?
- a) months
 - b) years
- 23) Do you feel you became a prostitute
- a) intentionally?
 - b) unintentionally?
 - c) under duress?
- 24) If your answer was "intentionally", explain.
- a) on the advice of friend(s)
 - b) family influence
 - c) desire to improve financial situation
 - d) for adventure
 - e) other (specify)
- 25) If your answer was "unintentionally", explain.
- a) temporary but urgent need for money
 - b) exceptional circumstances
 - c) other (explain)
- 26) If your answer was "under duress", explain.
- a) threats from one or more individuals
 - b) pressure from a boyfriend/girlfriend
 - c) family pressures (explain)
 - d) other (explain)
- 27) Do you earn your living from prostitution?
- a) partly
 - b) mainly
 - c) entirely

- 28) Do you like this job?
 - a) yes
 - b) no
- 29) What do you consider to be the main advantages of the job, in descending order of importance?
 - a) the income
 - b) the feeling of freedom
 - c) the environment
 - d) other(s) (specify)
- 30) What do you consider to be the main disadvantages of the job, in descending order of importance?
 - a) risk(s) to personal security (explain)
 - b) venereal diseases
 - c) health risks (explain)
 - d) marginalization
 - e) reaction from society and from family
 - f) theft
 - g) rape
 - h) other(s) (explain)
- 31) In general, do you take precautions to prevent sexually-transmitted diseases?
 - a) yes
 - b) no
- 32) In general, does the client agree to these precautions?
 - a) yes
 - b) no
- 33) Have you ever been raped because you were a prostitute?
 - a) yes
 - b) no
- 34) If so, how often?
- 35) Since you have had this job, has your drinking increased?
 - a) yes
 - b) no
- 36) Since you have had this job, has your drug use increased?
 - a) yes
 - b) no
- 37) Are you generally under the influence of alcohol when you are working?
 - a) yes
 - b) no

- 38) Are you generally under the influence of drugs when you are working?
- a) yes
 - b) no
- 39) As a prostitute, what services do you offer? List the rates charged, if possible.
- a) coitus
 - b) masturbation
 - c) anal penetration (passive and/or active)
 - d) fellatio
 - e) cunnilingus
 - f) other(s) (specify)

Section 6: Relations between procurers and prostitutes

- 40) Have you had or do you have a procurer?
- a) yes
 - b) no
- 41) What type of relationship do you or did you have with your procurer(s)?
- a) romantic
 - b) friendly
 - c) business
 - d) other(s) (specify)
- 42) What are your procurer's duties and responsibilities?
- a) to protect you
 - b) to supply you with clients
 - c) to set rates
 - d) to provide you with legal assistance
 - e) other(s) (explain)
- 43) What are your obligations to your procurer?
- a) to respect financial agreements
 - b) to obey him/her in terms of your professional conduct
 - c) to be obedient, even in private life
 - d) other(s) explain
- 44) Are/were you satisfied with your procurer(s)?
- a) yes
 - b) no
 - c) more or less
- 45) Does/did your procurer(s) ever use violence against you?
- a) yes
 - b) no

- 46) If so
a) rarely?
b) often?
c) regularly?
- 47) Could you or were you ever able to leave your procurer(s) voluntarily?
a) yes
b) no
- 48) What percentage of your income do you hand over to your procurer(s) per transaction?

Section 7: Relations between facilitators and prostitutes

- 49) Have you now or have you ever had one or more facilitators?
a) yes
b) no
- 50) Do they now or did they have one or more other jobs?
a) yes
b) no
c) do not know
- 50.1) What are the advantages of having one or more facilitators?
- 50.2) Are there disadvantages or risks?
- 50.3) How much do you pay the facilitator(s) per transaction?

Section 8: Relations between prostitutes and clients

- 51) What sex are your clients?
a) male
b) female
c) males and females
- 52) What is the average age of your clients?
a) 20-25
b) 30-35
c) 35-40
d) 40-45
e) 45-50
f) 50-55
g) 55-60
h) 60-65
i) 65 and over

- 53) Generally, what is their civil status?
- a) married
 - b) divorced
 - c) separated
 - d) widow(er)
 - e) single
 - f) common-law relationship
- 54) What is/are the reason(s) for their using your services?
- a) unhappy family life
 - b) brief, uncomplicated sexual relations
 - c) satisfaction of "special" needs
 - d) shyness
 - e) disadvantageous physical appearance
 - f) do not know
 - g) other(s) (explain)
- 55) What percentage of your clients are regulars?
- a) 0-20
 - b) 20-40
 - c) 40-60
 - d) 60-80
 - e) 80-100
- 56) Have you ever been attacked by a client?
- a) yes
 - b) no
- 57) If so
- a) rarely?
 - b) sporadically?
 - c) regularly?
- 58) Generally, are your clients
- a) poor?
 - b) economically "average"?
 - c) rich?
 - d) very rich?
- 59) What services are required most often?
- a) coitus
 - b) fellatio
 - c) cunnilingus
 - d) masturbation
 - e) anal penetration (active and/or passive)
 - f) group sex
 - g) other(s) (specify)

Section 9: Prostitutes and income

- 60) How much do you earn on average?
- a) per week
 - b) per month
 - c) per year
- 61) How much tax do you pay on these earnings?
- 62) What percentage of your earnings do you hand over to your procurer?
- a) 10-20
 - b) 20-30
 - c) 30-40
 - d) 40-50
 - e) 50-60
 - f) 60-70
 - g) 70-80
 - h) 80-90
 - i) 90-100
- 63) Do you have expenses directly related to your work?
- a) yes
 - b) no
- 64) If so, for what?
- a) clothes
 - b) make-up
 - c) apartment
 - d) alcohol
 - e) drugs
 - f) transportation
 - g) condoms
 - h) other (specify)
- 65) What percentage of your income do you spend on alcohol?
- 66) What percentage of your income do you spend on drugs?
- 67) If you pay your facilitator(s) what percentage of your earnings do you pay?
- a) 10-20
 - b) 20-30
 - c) 30-40
 - d) 40-50
- 68) Do you have to pay bribes in order to do your job?
- a) yes
 - b) no

- 69) To whom do you pay these bribes?
- a) doormen
 - b) police officers
 - c) motorcycle gangs
 - d) others (specify)
- 70) Since you have been working, have you amassed any personal savings in your name?
- a) yes
 - b) no
- 71) Do you pay anyone other than a procurer for protection?
- a) yes
 - b) no

Section 10: Prostitution and the law

- 72) Have you been arrested for soliciting in the last five years?
- a) yes
 - b) no
- 73) If so, what was the outcome?
- a) fine(s)
 - b) imprisonment
 - c) other (explain)
- 74) Since you have been working as a prostitute, have you been arrested for other offences?
- a) yes
 - b) no
- 75) What kind of attitude do the police have toward you?
- a) tolerant
 - b) arrogant
 - c) contemptuous
 - d) friendly
 - e) systematically harassing
 - f) other (explain)
- 76) Are you satisfied with the current legislation on prostitution?
- a) yes
 - b) no
 - c) do not know
- 77) Would you like to see the legislation on prostitution amended?
- a) yes
 - b) no
 - c) indifferent

- 78) Amended to what end?
 - a) decriminalization
 - b) legalization
- 79) If it was legalized, would you respect the law?
 - a) yes
 - b) no
 - c) do not know

Section 11: Mobility outside the city

- 80) Do you ever work out of town?
 - a) yes
 - b) no
- 81) If so
 - a) rarely?
 - b) sporadically?
 - c) regularly?
- 82) Do you travel to one or more cities in Quebec (Specify)
- 83) Do you travel to one or more other cities, in one or more other Canadian provinces? (Specify)
- 84) Do you travel to one or more cities in one or more other countries? (Specify)

Section 12: Organization of work in city of residence

- 85) In which city to you work?
- 86) Where do you recruit your clients?
 - a) on the street
 - b) bars
 - c) hotels
 - d) massage parlour
 - e) escort agency
 - f) other (specify)
- 87) Do you travel within the city?
 - a) yes
 - b) no
- 88) Has any particular legislation affected the way you work in the past few years?

- 89) If so, which legislation?
- 90) Do you work alone?
 - a) yes
 - b) no
- 91) If you work in a team, are you part of an organized network?
 - a) yes
 - b) no
- 92) Do you have an area or sector reserved for you?
 - a) yes (explain)
 - b) no

APPENDIX 32

QUESTIONNAIRE FOR CLIENTS

Confidential

- 1) Pseudonym
- 2) Number of interviews
- 3) Average duration of interviews
- 4) Reason(s) for participating
- 5) Contacts suggested
- 6) Type of respondent
- 7) Age
- 8) Sex
 - a) Male
 - b) Female
- 9) What city do you live in?
- 10) Civil status
 - a) Single
 - b) Married
 - c) Divorced
 - d) Separated
 - e) Widow(er)
 - f) Remarried
 - g) Common-law relationship
- 11) Sexual orientation
 - a) Heterosexual
 - b) Bisexual
 - c) Homosexual
- 12) What is your educational background?
 - a) no schooling
 - b) primary school
 - c) secondary school
 - d) college
 - e) university

List any diplomas earned.

- 13) What is your annual income?
- a) less than \$10,000
 - b) from \$10,000 to \$20,000
 - c) from \$20,000 to \$30,000
 - d) from \$30,000 to \$40,000
 - e) from \$40,000 to \$50,000
 - f) from \$50,000 to \$60,000
 - g) \$60,000 or more
- 14) Do you use pornographic material?
- a) yes
 - b) no
- 15) How often do you use the services of prostitution?
- a) rarely
 - b) weekly
 - c) monthly
 - d) annually
- 16) What is/are your reasons for using their services?
- a) shyness
 - b) "special" needs
 - c) unhappy family life
 - d) a taste for the exotic
 - e) brief, uncomplicated sexual relations
 - f) other (specify)
- 17) Do you use the services of a facilitator?
- a) yes
 - b) no
- 18) Where do you recruit prostitutes?
- a) on the street
 - b) bars
 - c) hotels
 - d) massage parlours
 - e) other (specify)
- 19) How do you recruit prostitutes?
- a) through classified ads
 - b) through escort agencies
 - c) other (specify)
- 20) What services do you generally ask for?
- a) coitus
 - b) masturbation
 - c) anal penetration (active and/or passive)
 - d) fellatio
 - e) cunnilingus
 - f) other(s) (specify)

- 21) How much do you usually pay per visit?
- 22) Have you ever had a bad experience as a client?
 - a) sexually-transmitted disease
 - b) theft
 - c) other (specify)
 - d) none
- 23) Are you familiar with current legislation on prostitution?
 - a) yes
 - b) no
 - c) do not know
- 24) Have you ever been arrested as a client?
 - a) yes
 - b) no
- 25) If so, what was the final outcome?
- 26) Do you consider it fair that you can be charged as a client?
- 27) Considering current legislation on prostitution, do you favour
 - a) the status quo?
 - b) a trend toward decriminalization?
 - c) a trend toward legalization?

APPENDIX 33

QUESTIONNAIRE FOR FACILITATORS

Confidential

- 1) Pseudonym
- 2) Number of interviews
- 3) Average duration of interviews
- 4) Reason(s) for participating
- 5) Contacts suggested
- 6) Age
- 7) Sex
 - a) Male
 - b) Female
- 8) Do you have one or more other jobs?
 - a) yes
 - b) no
- 9) If so, doing what?
 - a) doorman
 - b) taxi driver
 - c) other (specify)
- 10) How long have you worked as a facilitator?
- 11) What is your annual income as a facilitator?
 - a) less than \$5,000
 - b) from \$5,000 to \$10,000
 - c) from \$10,000 to \$15,000
 - d) from \$15,000 to \$20,000
 - e) from \$20,000 to \$25,000
 - f) \$25,000 and over
- 12) Who pays you?
 - a) the procurer
 - b) the prostitute
 - c) the client

- 13) How many prostitutes do you deal with?
 - a) 1-5
 - b) 5-10
 - c) 10 or more
- 14) What is your average charge per client supplied?
 - a) less than \$10
 - b) from \$10 to \$20
 - c) \$20 and over
- 15) Do you have a work area reserved for you?
 - a) yes
 - b) no
- 16) What is the profile of an average client?
- 17) If you run a business, what kind of business is it?
 - a) massage parlour
 - b) escort agency
 - c) dating agency
 - d) sauna
 - e) other (specify)
- 18) If you have run a business in the past, has it changed form in the last few years?
 - a) yes (specify)
 - b) no
- 19) If you have run a business in the past, has it changed location in the last few years?
 - a) yes (explain)
 - b) no
- 20) Have you been arrested as a facilitator in the past five years?
 - a) yes (how often?)
 - b) no
- 21) If so, what was the final outcome?
- 22) Considering current legislation on prostitution, do you favour
 - a) the status quo?
 - b) a trend toward decriminalization?
 - c) a trend toward legalization?
- 23) Has any particular legislative act affected your work? Explain.

APPENDIX 34

QUESTIONNAIRE FOR PROCURERS

Confidential

- 1) Pseudonym
- 2) Number of interviews
- 3) Average duration of interviews
- 4) Reason(s) for participating
- 5) Contacts suggested
- 6) Type of respondent
- 7) Age
- 8) Sex
 - a) Male
 - b) Female
- 9) Why did you become a procurer?
- 10) Before becoming a procurer, were you
 - a) very poor?
 - b) poor?
 - c) economically "average"?
 - d) well off?
 - e) very well off?
- 11) Before becoming a procurer, had you been charged with one or more offences?
 - a) yes
 - b) no
- 12) Before becoming a procurer, were you a prostitute?
 - a) yes
 - b) no
- 13) How many years have you worked as a procurer?
- 14) How many prostitutes work for you?
 - a) 1
 - b) 2-4
 - c) 4-6
 - d) 6-8
 - e) more than 8

- 15) What is your annual income as a procurer?
- a) less than \$5,000
 - b) from \$5,000 to \$10,000
 - c) from \$10,000 to \$15,000
 - d) from \$15,000 to \$20,000
 - e) from \$20,000 to \$25,000
 - f) from \$25,000 to \$30,000
 - g) from \$30,000 to \$35,000
 - h) from \$35,000 to \$40,000
 - i) from \$40,000 to \$45,000
 - j) from \$45,000 to \$50,000
 - k) \$50,000 and over
- 16) What percentage of their earnings do the prostitutes give you?
- a) less than 10
 - b) 10-20
 - c) 20-30
 - d) 30-40
 - e) 40-50
 - f) 50-60
 - g) 60-70
 - h) 70-80
 - i) 80-90
 - j) 90-100
- 17) Do they receive any of that money back?
- a) yes
 - b) no
- 18) If so, what percentage?
- a) less than 10%
 - b) 10-20
 - c) 20-30
 - d) 30-40
 - e) 40-50
 - f) 50-60
 - g) 60 and over
- 19) What are your duties and responsibilities toward your prostitute(s)?
- a) to protect them
 - b) to supply them with clients
 - c) to set rates
 - d) to provide them with legal assistance
 - e) other(s) (explain)

- 20) What are their obligations to you?
 - a) to respect financial agreements
 - b) to obey in terms of professional conduct
 - c) to be obedient, even in private life
 - d) other(s) explain
- 21) What type of relationship do you have with your prostitute(s)?
 - a) business
 - b) friendly
 - c) romantic
 - d) other(s) (specify)
- 22) Do you have total freedom in practising your trade?
 - a) yes
 - b) no (explain)
- 23) Do you have a work area reserved for you?
 - a) yes
 - b) no
- 24) Have you been arrested for your activities as a procurer in the last five years?
 - a) yes
 - b) no
- 25) If so, what was the final outcome?
- 26) What kind of attitude do the police have toward you?
 - a) tolerant?
 - b) arrogant
 - c) contemptuous
 - d) friendly
 - e) systematically harassing
 - f) other (explain)
- 27) Considering current legislation on prostitution, do you favour
 - a) the status quo?
 - b) a trend toward decriminalization?
 - c) a trend toward legalization?



Department of Justice
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83P112

WORKING PAPERS ON PORNOGRAPHY AND PROSTITUTION

Report # 12

A REPORT ON PROSTITUTION IN THE ATLANTIC PROVINCES

by
N. Crook

POLICY, PROGRAMS
AND RESEARCH BRANCH

RESEARCH AND
STATISTICS SECTION

Canada

Classification
Publication

CA1
J800
- 83 P112

PROSTITUTION IN THE ATLANTIC PROVINCES

by

NIKITA CROOK

Submitted to the
Department of Justice
June 30, 1984

The views expressed within this report are not necessarily those of the Justice Department or those of official institutions contacted unless quoted as such.



ACKNOWLEDGEMENTS

I would like to thank certain people who cooperated in the creation of this report.

I wish to thank those women who work in the business of prostitution, especially Margie, Angie and Cindy, who shared confidential information about their lives with me.

I am grateful to my primary research and administrative assistant, Henriette Ford, who was responsible for the overall office administration, the coding of all data, drafting and redrafting of the final sections and most of all for her insightful and supportive presence throughout the past six months.

I am indebted to Annette Clarke, who collected data on Newfoundland for me and offered valuable advice over many late night long distance telephone calls.

I would like to thank Margaret Crook, who above and beyond a forty hour work week, typed the initial drafts into a readable copy.

I am much obliged to Kevin Chaisson who completed all of the computer work and offered me enthusiastic encouragement.

I would also like to thank Ann Zanatta and Leslie Harbinson for their editorial advice and assistance in the last stage of the research and for their belief that an impossible deadline could be met.

Others whose advice and cooperation were indispensable include Theresa Zanatta, ULTRA Word Processing, David Rent, Bill McLeod and Frank Beazley of the Halifax Police Department, students at Mount St. Vincent University, and Daniel Sansfacon of the Justice Department.

And last but not least, I am especially grateful to Glyn, who unselfishly gave up his space and time in order that this report be completed.

Nikita Crook
Toronto, Ontario
June 30, 1984

PREFACE

My commitment to the subject of prostitution is an extension of my dedication to two seemingly unrelated fields of study, that is, the Canadian Justice system and human sexuality. No where do these areas cross-over more visibly than within the present day public debate surrounding prostitution.

My research work prior to this study has taken me from Davie Street in Vancouver to Water Street in Newfoundland where I spoke with social workers, police officers, local residents and most importantly with both juveniles and adults involved in prostitution. It became evident to me that a growing Canadian sub-culture existed necessitating exploration.

The current debate in Canada centres on the role of the prostitute while the customers, pimps and police officers simply continue to be perceived as "indirect participants". It is my intention to illustrate the integral part each participant plays in the "game".

Unanswered and new questions are raised with every new person spoken to. For every prostitute, customer or pimp that supports one hypothesis, there is another's experience that challenges it. The list of questions is endless and cannot even begin to be answered without the essential groundwork of both quantitative and qualitative data. I would be remiss therefore to suggest that this work is comprehensive. My social conscience dictates that I ask the reader to be aware of the limitations of this research and at the same time note the need for further investigations into the "why" of prostitution, how it operates and how we as Canadians will choose to deal with it both socially and legally.

Nikita Crook
Toronto, Ontario
June 30, 1984.

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INTRODUCTION

Why study prostitution in the Atlantic provinces? My past experience provided me with a number of insights as to why the Atlantic provinces merited specific attention. To date, the study of prostitution in Canada has primarily focused on three urban centres: Vancouver, Toronto and Montreal. National discussion on social issues have in the past often excluded the Atlantic provinces and their unique characteristics.

I saw some of the unique characteristics related to the subject of prostitution to be:

- the proximity of the provinces to large American cities such as Boston and New York
- the existence of a large international traffic of men through three major seaports of St. John's, Saint John and Halifax
- the largest investigation in Canada of the procuring of juveniles by pimps took place in Halifax in 1980
- the historical significance that the oldest and most recognized madam in Canada resides and has operated "houses" and an escort service in Halifax since WWII.
- the role of the street prostitute as a pawn for policing pimps and their related criminal activities in Halifax.
- the fact that the Halifax and St. John's public tend to ignore the existence of male prostitution in their cities
- the high cost of living and unemployment in St. John's which had led to the common exchange of sexual favours for minimal money and goods. This activity is not identified by the participants or the public as prostitution but rather solely as a means of survival, and
- the receptiveness of community agency respondents and in particular the Halifax Police Department to a study of prostitution.

The major theoretical perspective of the assigned mandate was to speak with the participants. This deviates from the past as research on prostitution has relied primarily on secondary sources rather than direct contact with the participants. The formal mandate was:

"... to collect and analyze the

- a) data describing the business of prostitution and its related activities,

- b) data describing those who engage in or facilitate prostitution; namely, the prostitutes, customers, pimps and the service network, and
- c) data describing the social control attempts and results of those attempts of the past recent years.
 - to conduct interviews with prostitutes, customers and pimps using pre-tested survey guides; reporting the numbers surveyed as well as the socio-demographic characteristics of each.
 - to provide texts of by-laws or legislation, and
 - to report official policies of police departments where applicable."

As one can see, the mandate was open-ended, allowing me the freedom to speak with any willing participants. However, the time frame severely limited the range of data collected. I feel the summary of major findings speaks for itself. The reader is asked to assimilate the data. Only at this point will future analysis be possible.

METHODOLOGY

I. Introduction

The methodology plan was initially to be determined when all existing written data was identified. The undertaking began with investigations of archives, libraries, and various university research departments (See Appendix 1) in Halifax, Nova Scotia and St. John's, Newfoundland for written information on prostitution. The goals of this first step were to develop hypothesis on prostitution unique to the East Coast and to implement research tools that could compare the new findings with past studies. This initial search resulted in the finding of three papers written on the history of prostitution in Halifax.¹ To date, no empirical studies have been done on conditions specific to prostitution in the Atlantic provinces. In 1982-83, research was conducted on the involvement of juveniles in prostitution across Canada, including some east coast cities.² However, the results of this study have not yet been published.

Upon the completion of the initial investigation it became apparent that this research would be laying the groundwork for future investigations. Consequently, the research methodology is exploratory in nature.

II. Limitations

The inherent difficulties of researching a subject as complex as prostitution combined with fiscal, geographic and temporal restrictions have determined the quality and quantity of the data collected and contained in this report. The research grant provided by Justice Canada was issued in February 1984 with a completion date of June 30, 1984. The first month was spent conducting the literature review, making initial contacts with agencies and hiring field research assistants.

The most difficult obstacle was time. The actual data collection took place from March through May 1984. Researchers travelled to five cities during this time, including Halifax, Dartmouth, St. John's, Gander and Moncton. Informal and formal contacts were made with police and other agencies and were restricted to daylight working hours. Conversely, observations and interviews with prostitutes, customers, and middle-persons necessitated working late in the evenings. Consequently, many hours were spent on this stage of the study.

Time restraints determined the type of prostitutes who could be interviewed. Street prostitutes were very easy to contact and interview. However, escort service prostitutes were very skeptical of our intentions, and remained much more difficult to contact. Due to the limitation of time, we were unable to attain the trust of these women and consequently were unable to interview them. Thus, our major source for firsthand information on prostitution was the street prostitute.

As in many research endeavours, budgetary considerations restricted the scope of our research, for example, those escort service prostitutes who did agree to speak to us expected to be paid their regular hourly rate for an interview. This

ranged from \$60 - \$200 for an hour. Street prostitutes, on the other hand, were usually satisfied with the exchange of coffee or cigarette money. Budgetary restrictions also determined the number of assistants that were employed to assist in this study and the amount of travel that could take place.

Weather conditions were particularly harsh in the Atlantic provinces during the time of this study and presented another obstacle to our research. On several occasions, airports and major transportation routes were closed due to weather, resulting in delays and in some cases, cancellation of travel plans. Subsequently, interviews with prostitutes, customers and middle-persons came only from Halifax, Nova Scotia and St. John's, Newfoundland.

Public visibility of the Special Committee On Pornography and Prostitution was concentrated during the period of time the data was collected. The media coverage was found to have adverse affects on our research in many instances. Public dialogue surrounding the Committee and its mandate caused a reluctance on the part of some potential respondents to be involved. In some cases, they perceived a threat to their livelihoods, were concerned about confidentiality or were skeptical that the research would contribute to any significant change.

A final limitation in this study was the inadequacy of file sources whereby data was collected. Reviews of documented material included Halifax Police Occurrence Files, Prothonotary Court Records, newspaper articles and the three unpublished papers on the history of prostitution in Halifax. Without exception, each of these sources contained enormous gaps of missing or unclear information.

The reader is requested to keep all of these limitations in mind. The following report should be seen as preliminary and exploratory in nature. It acts more as a forum to raise rather than answer questions. The subject of prostitution in Atlantic Canada deserves greater in-depth investigation and analysis.

III. Data Sources/Research Methods

The exploratory nature of this research necessitated a "triangulation" approach using a combination of various research methods and data sources. This was implemented in order to present the most complete picture possible of prostitution in the Atlantic provinces.

1. **Written Sources**

a) Police Files

Halifax police allowed researchers to complete a review of all charges laid involving prostitution-related offences over an eight-year period (1976-1984). The files represent only those reports of charges laid and in most cases no information on the outcome of each case was recorded. (See Appendix 2) There was no need to review police files in St. John's because the Criminal Intelligence Unit knew of no charges that had ever been laid there.

b) Prothonotary Court Transcripts

All cases relating to prostitution that were heard over a three-year period (1980-1983) were reviewed. Most of these cases involved procuring and pimping activities. These files included partial transcripts of the trials. The review was limited to a period of three years because recording systems before 1980 required the name of the accused and corresponding date to search the files. That information was not available from police records. All of the data from this data source is included in the Pimp Case Studies.

c) Halifax City Solicitor Records on Charges Laid
Under the Halifax Street Ordinance and Dartmouth City By-law

Official files stating numbers and background information for those persons charged under the Halifax Street Ordinance and the Dartmouth City By-law did not exist. Our information for this section consisted of interviews with individual police officers who laid the charges as well as a synthesis of several files located at the City Solicitor's Office. (See Appendix 3)

d) Newspaper Review

A two year review of articles written pertaining to prostitution in five newspapers was conducted. There was no one source for these clippings. Articles were taken from City Solicitor's files, Y.W.C.A. files, library files, individual resident's collections and one reporter's collection. The review was conducted to give researchers an overall idea of the climate surrounding the issue. (See Appendix 4)

e) Yellow Pages Directories Review

A review of Halifax and St. John's Yellow Pages directories from 1925-1984 was conducted. The purpose of this was to assess the evolution of escort and massage services in these cities. The results of this review are incorporated in the section entitled "The History of Escort and Massage Services in Halifax and St. John's."

2. Interviews with Community Agency Respondents

Initially, a survey guide was sent out to social services and women's groups in all of the Atlantic provinces (see Appendix 5). The response to this mailing was limited and slow in coming. Community agencies primarily in Halifax and St. John's were then contacted in person. A list of the agencies can be found in Appendix 6. The survey guides were used as a general framework for questioning. Interviews were often taped and then transcribed, taking anywhere from 20 minutes to 2 hours, depending on the degree of involvement the respondents had had with prostitution. This approach proved quite useful; overall most respondents welcomed the idea of research on this topic. In some cases, respondents gave us referrals to prostitutes who agreed to be interviewed.

3. Interviews with "Middle-Persons"

Taxi drivers and desk clerks in Halifax, St. John's and Moncton were also interviewed with a survey guide (see Appendix 7). These interviews were almost all done in the evening. In some instances taxi-drivers introduced us to prostitutes who agreed to be interviewed.

4. Interviews with Police

Formal questionnaires were used to elicit information from eight police forces including Halifax, Dartmouth, Summerside, Charlottetown, Moncton, Saint John, Fredericton, and St. John's (see Appendix 8). In some cases, the questionnaires were filled in by officers in Morality and Criminal Intelligence Units and then mailed in to us; and in other cases, the officers were interviewed in person. Because prostitution was only seen as a "problem" in Halifax, the responses to the questionnaires have large discontinuities which prohibit quantifiable results. Thus, the answers and opinions elicited from these formal interviews were often reinforced by informal interviews.

Informal conversations and time spent with police officers, particularly in Halifax, yielded more information than the formal interviews. Field notes were taken and then used to form the basis of supporting quotes used throughout this report.

5. Newspaper Advertisements

Newspaper advertisements were placed in the Globe and Mail and the Halifax Chronicle - Mail Star to make contact with customers of prostitutes. (See Appendix 9) Two customers and two prostitutes responded. The customers left a forwarding address and subsequently one of them, who was from Dartmouth, agreed to complete the Customer Survey.

6. In-depth Interview With Participants

a) Interviews with Prostitutes

Before direct contact was made with prostitutes the researchers spent some time conducting participant observation on the street, in bars, and in strip clubs known to be frequented by prostitutes in Halifax and St. John's. In Halifax, some time was spent with plainclothes police officers on shift driving through the areas.

In some cases, prostitutes were approached directly and in other cases they were introduced to researchers by a third party such as a taxi driver, a police officer or a social worker. In all cases, the respondent was allowed to read the questionnaire beforehand and was told s/he could refuse to answer any of the questions. The interviews most often took place late at night in coffee shops and bars near the downtown areas of Halifax and St. John's. They took on average two hours.

A structured questionnaire consisting of open and closed-ended questions was used (see Appendix 10). Forty-seven prostitutes female and male, were interviewed in total. The results of this questionnaire are documented in Section A of the report. In all cases where "the sample" is quoted, percentages or raw numbers, it refers to this sample of forty-seven prostitutes.

b) Interviews with Customers

Interviews with customers were also based on a snowball method. It was the only alternative because prostitutes would not ask their customers to speak with researchers, and the newspaper advertisement, as mentioned earlier, was not productive. Therefore, students at the Mt. St. Vincent University were used to conduct a small study on prostitution. Other respondents were contacted by researchers on the street during the data collection with prostitutes. These students referred acquaintances to us and in this manner more interviews were acquired. It is because of this student population that the average age of customers in our sample is somewhat lower than the estimates given by prostitutes and police. Some customers were approached directly at strip clubs, and yet others made contact with researchers after hearing about the research through taxi drivers.

The interviews were conducted at various hours of the day and in various locations such as the researcher's home or hotel rooms, restaurants, and in one case, over the telephone. They took, on average one hour.

A structured questionnaire was developed similar in set-up to the prostitute questionnaire. (See Appendix 11) In total, eighteen customers were interviewed. The results of the questionnaires are documented in Section C of the report. In all cases where "the sample" is quoted in reference to customers, it refers to this sample of eighteen customers.

c) Interviews with Management of Escort Services

Several informal interviews with two escort service madams in Halifax were conducted. They took place in the home of one madam, and over dinner in a hotel dining room with the other madam. Each of the interviews took an average of three hours. Neither of the women would allow the interview to be recorded by tapes or notes. These women said they would ask their "girls" to contact the researchers, but this did not happen. Subsequently, no escort service prostitutes were interviewed.

Attempts to talk to the male owners of massage establishments yielded negative results.

d) Interviews with Pimps

After preliminary inquiries with police and several prostitutes in Halifax, it was decided not to approach known pimps on the streets of Halifax. Their reputation for violence and manipulation forewarned the researchers.

Advertisements asking for volunteers were consequently placed in Dorchester Penitentiary in N.B. and Her Majesty's Penitentiary in Newfoundland (See Appendix 12). This yielded no results. Specific requests were made to speak with Pimp #1 and Pimp #4 (see Section D) in separate institutions. Researchers were told this was not possible. Data on pimps therefore includes Prothonotary court transcripts and third party information from police and prostitutes.

7. Summary

A triangulation approach of data collection included:

1. A review of existing written information sources including:
 - . Police Files
 - . Prothonotary Court transcripts
 - . Halifax City Solicitor Files on Charges Laid Under the Halifax Street Ordinance and the Dartmouth City By-Law Newspaper Review
 - . Yellow Pages Directories Review
2. Formal and informal interviews with community agency respondents, middle-persons and police,
3. Newspaper advertisements, asking participants to write in,
4. Formal interviews with prostitutes and their customers using structured questionnaires,
5. Informal interviews with management of escort services,
6. Advertisements placed in penitentiaries.

IV. Selection of Cities

In the preliminary stages of the research, information was sought from various community agencies and police departments in nine cities. These cities were chosen because they had the highest populations in the Atlantic provinces.

Early in this process, it was determined that there was no current visible street prostitution per se in Summerside, Charlottetown, Moncton, Saint John, Fredericton, Dartmouth, or Gander. Some of these cities however, do have escort services or massage establishments which were examined. At that time, it was decided to collect firsthand data only in those cities where prostitution was a visible reality.

Halifax and St. John's both had visible street prostitution. In addition to this, they were both major port cities with international sea traffic occupying their harbours and were centres for business conventions in their respective provinces. These factors maximized the likelihood of making contact with prostitutes and their customers. A smaller though still relevant consideration was the fact that research assistants resided in each of these cities and this facilitated the collection of data within a short period of time.

FOOTNOTES

¹ C. Ball, "Women, The Law, and the Grip of Tradition: Victorian Notions of Prostitution and Their Impact on Twentieth Century Law." (Unpublished abstract, 1983).

J. Fingard, J, "The Social Evil in Halifax in the Mid-Nineteenth Century." (Unpublished paper available from Prof. F. Fingard, c/o History Department, Dalhousie University, Halifax, Nova Scotia, 1977).

K.M. Morrison, "The Social Evil in Halifax in the Late Nineteenth Century (1880-1900)." (Unpublished Undergraduate paper published for the History Department, Dalhousie University, April 17, 1979).

² R. Badgley, "Report of the Federal Justice Committee on Sex Offences Against Children". (Unpublished report to be made public in summer, 1984).

A. STREET PROSTITUTION

I. Location and Description of Street Prostitution

1. **Halifax**

Street prostitution is visible in four areas of Halifax; these areas are known as Barrington Street, Gottingen Street, the "Triangle", and Citadel Hill. The Barrington and Gottingen St. areas are known primarily for female prostitution, while the "Triangle" and Citadel Hill are known primarily for male prostitution. In this section, each of these four areas will be reviewed.

a) Barrington Street

This first area is bordered by Barrington Street to the west, Hollis Street to the East, Duke Street to the north and Cornwallis Park and the CN Rail Station to the south. The Barrington Street area is the most well-known of the four areas for prostitution; it is the largest, most visible and has the greatest number of prostitutes present at any one time. The southern tip of this area has the greatest density of prostitutes; it is often referred to as "the South End", "the Barrington Strip" or the "Stroll".

The Barrington Street area contains a mixture of apartment buildings, old and new residential homes, rooming houses, corner stores and restaurants. There is a Y.W.C.A., a Women's Resource Centre and a secretarial school which is bordered by a hospital and a university. Before the mid-1970's, this area remained underdeveloped and populated mainly by low-income families. Since that time a resurgence of developmental activities has occurred. Individuals and groups have recognized the economic potential of this area which is located in close proximity to the downtown core of Halifax. Several new businesses have been opened. Younger residents have been moving in to renovate old homes or build new ones. It is "in this largely residential area, (that) a street prostitution scene - which continues seven days a week, all year long - has been established".¹

Historically, this area of Halifax has been known for prostitution activity since the late 1880's however, during that time most transactions took place indoors in "whore houses" and "parlours" located along Hollis, Bishop, Grafton and Brunswick Streets.²

The only nuisance associated with the prostitution was the amount of noise made by loud drunken soldiers who frequented the area. As researcher Debi Wells noted in her study, the visibility of the prostitutes was much lower than it is today.³

Researchers asked residents, local store-owners and police about the increase of visible street prostitution. There was a consensus that street prostitution

had increased dramatically over recent years; with estimates of this increase ranging from 1977 to 1981.

Opinions from police, taxi-drivers and local residents have been combined with the observations of our researchers to conclude that 50 female prostitutes work in this area. Of this total, 1/3 of the prostitutes work only part-time. In the summer months of 1983, as many as 35 prostitutes at once were observed working this area on different occasions.

b) Gottingen Street

The second area designated for female prostitution is the southern end of Gottingen Street, south of Brunswick and Maitland Streets. Segregated from the downtown area, Gottingen Street is a predominately low-rental residential area with a few commercial businesses. The majority of the black population in Halifax live in this area.

In-depth research did not occur in the Gottingen area due to its reputation for being excessively dangerous at night. As well, documented historical information on prostitution in this area was non-existent. Information sources were limited to interviews with police and area residents.

Several of the residents interviewed had been living in this area for more than thirty years. They commented that prostitution had been there for "a...as long as we can remember". Estimates made on the number of female prostitutes working in this area ranged from 12-20. Many of these women work in front of the many bars and taverns, which are also frequented by pimps and bikers.

c) "The Triangle"

Male prostitution is predominant in "The Triangle". As its name implies, this area is triangular in shape. It is bordered by Spring Garden Road, Dresden Row and Artillery Place. The prostitutes in this area work in back lanes and alleys and in front of well-lit restaurants on Spring Garden Road.

"The Triangle" is a commercial area although its northern tip remains isolated due to its proximity to Citadel Hill. Local business people estimate that male prostitution has existed in this area for 5-7 years. Halifax police recently estimated that only 3-5 males were working as prostitutes in this area however, research findings based on discussions and interviews with male prostitutes conclude that the actual number of male prostitutes is at least four times as large as the police estimate.

d) Citadel Hill

Citadel Hill also is the final area for prostitution for males in Halifax. It is the designated "cruising" area for homosexual men in Halifax. "The Hill" is

an historical landmark in central Halifax, which overlooks the harbour, the downtown area and the police station.

Male prostitutes stand along the roadway which circles "The Hill"; customers drive through in their cars and signal to the prostitute of their choice with their headlights. As with "The Triangle" it is difficult to access the exact number of male prostitutes because several men go to this area for free homosexual involvements as well as for paid sexual encounters. On several evenings researchers recorded four to eight males seen on foot after midnight and working as prostitutes.

2. St. John's

a) Water Street/Duckworth Street

Street prostitution in St. John's is confined to the eastern section of the city on Water and Duckworth Streets. The majority of prostitutes who work in that area are female. They usually work alone standing on street corners, in commercial business entrances or sitting on public property. Occasionally, these women work in pairs. The far eastern section of Water Street is the designated territory for male street prostitution.

The Water and Duckworth Street area is predominantly a business and commercial area; these streets are the main streets of downtown St. John's. The peripheral areas contain a mixture of small businesses and residential units.

Prostitution is not new to downtown St. John's. According to one taxi driver, "You could get a bottle of rum, a room and a female during the 50's for \$15.00". Several taxi drivers noted that a greater percentage of "whorehouses" and "houses of ill-repute" existed 30 years ago than do at present. They also noted that several bars along Water Street have been long recognized for their clientele of "hookers and sailors". As few as five years ago, one house in the area was reported to have six females who provided sexual services regularly to foreign seamen.

While a number of "houses" seem to have decreased, the women working visibly on the street has increased in the past five years. Based on conversations with police, community agency respondents and researcher's observations, an estimated twenty-five women work as prostitutes on the street and in bars; this number includes those women who work part-time. Approximately 8-10 male prostitutes work on the street in St. John's; most work part-time. Neither female nor male street prostitution is considered a "problem" by local residents or the police in St. John's, however, all agree it is increasing.

FOOTNOTES

¹ Letter from Halifax Downtown Residents' Association to City Council, March 24, 1984.

² Morrison-Chapter 1, Footnote 33: The Acadian Recorder, Dec. 6, 1897, p.3.

³ Debi Wells, "The Social History of Prostitution in Canada", (A paper prepared for C.A.C.S.W., February 1983), p. 3.

II. Data Collected On Street Prostitution

1. Individual Profile of Prostitutes

a) Sex

Of the 47 prostitutes interviewed, 34 (72.3%) were female and 13 (27.6%) were male.

In the review of Halifax police files from 1976-1984, 59 prostitutes were documented, all of whom were female. Of these 59, 49 prostitution-related charges were laid.

Eighteen charges were laid against prostitutes under the Halifax Street Ordinance. Seventeen were female and 1 a transvestite.

In all cases of "procuring" and "living on the avails of prostitution" reviewed at the Prothonotary Office in Halifax, the prostitutes were female. As well, all newspaper accounts reported only females charged with prostitution.

b) Age

The ages of the prostitutes interviewed ranged from 17 to 37 with an average age of 21.6 years.

The majority of both females and males fell into the 18 to 21 year old age range. Broken down by gender this represents 76.9% of the males and 61.7% of the females. (See Table, p. 17)

The prostitutes whose ages were documented in the police file review ranged from 13 to 31 years, with the average age being 20.

The average age for prostitutes charged with the Halifax Street Ordinance was 22 (age range: 17 to 29 years).

Three separate community agency respondents knew of girls as young as 11 years old involved in prostitution. Police in both major cities estimated the average age of female prostitutes to be 20 years old. In Halifax, police noted male prostitutes were all "adults".

c) Race

80.8% of the sample were caucasian.

Halifax police estimated that, "80% of street prostitutes are white -with the remaining 20% being non-white."

d) Citizenship Status

95.7% of the prostitutes were Canadian citizens.

e) Birthplace

93.6% of the sample were born in Canada. Of these, 81.8% were born in East Coast provinces.

The majority of taxi drivers interviewed in Halifax and St. John's felt that the street prostitutes were usually local women, whereas escort service or massage establishment prostitutes were from out of the province. Discussion with police confirmed the latter.

f) Education

85.1% of the prostitutes were not high school graduates. 30.7% (41/13) males completed high school, compared to 2.9% (1/34) of the females. (See Tables, p. 18)

g) Marital Status

23.5% of the females were married or had been married at one time. All of the males were single.

h) Number of Children

65.9% (31/47) of the sample had no children.

35.2% (12/34) of the females and 30.7% (4/13) of the males had at least 1 child.

One community agency respondent knew of 8 part-time prostitutes in Halifax with 3 to 5 children.

i) Sexual Self-Definition

63.8% of all prostitutes interviewed defined themselves as heterosexual.

82.3% (28/34) of the female prostitutes defined themselves as heterosexual compared to only 15.3% (2/13) of the males.

Of the remaining females 17.6% (6/34), 1 defined themselves as homosexual or bisexual, 1 did not know and 1 did not report.

The remaining males (11/13) defined themselves as either homosexual or bisexual.

The sample contained no prostitutes who defined themselves as transsexuals or transvestites.

TABLE OF PROSTITUTES' GENDER BY AGE

Gender	Age																Total
	17	18	19	20	21	22	23	24	25	26	29	30	32	37	34		
Female	1 2.13	4 8.51	7 14.89	4 8.51	6 12.77	2 4.26	2 4.26	0 0.00	2 4.26	1 2.13	1 2.13	1 2.13	2 4.26	1 2.13	1 2.13	34 72.34	
Male	0 0.00	2 4.26	5 10.64	2 4.26	1 2.13	1 2.13	0 0.00	1 2.13	1 2.13	0 0.00	0 0.00	0 0.00	0 0.00	0 0.00	0 0.00	13 27.66	
Total	1 2.13	6 12.77	12 25.53	6 12.77	7 14.89	3 6.38	2 4.26	1 2.13	3 6.38	1 2.13	1 2.13	1 2.13	2 4.26	1 2.13	1 2.13	47 100.00	

TABLE OF PROSTITUTES' GENDER BY EDUCATION

Gender	Education				Total
	Still Attending School	Not High School Graduate	Completed High School	Some College or University	
Female	2 4.26	31 65.96	1 2.13	0 0.00	34 72.34
Male	0 0.00	9 19.15	3 6.38	1 2.13	13 27.66
Total	2 4.26	40 85.11	4 8.51	1 2.13	47 100.00

j) Principal Residence

51% of the sample lived in rental dwellings. 10.5% lived in government subsidized units.

The remaining 38.4% lived in a combination of different living arrangements.

k) Location of Principal Residence

85.2% of the prostitutes lived in the city in which they were interviewed or in a suburb close to the city.

l) Co-occupants of Principal Residence

25.5% of the sample lived with a spouse or mate. 21.2% lived with their parents. 53.3% lived with various combinations of friends and acquaintances. 30.7% (4/13) of the males lived with their parents compared to only 17.6% (6/34) of the females. Interviews with police in Halifax indicated that many of the prostitutes who work for support "boyfriends", also reside with them.

m) Total Annual Income

34% of the prostitutes estimated their income to be less than \$10,000 in 1983.

27.6% estimated their income at \$10,000 to \$19,999.

An additional 27.6% estimated it at \$20,000 or more. We received no information on the other 10.6% of the prostitutes.

n) Employment Status other than Prostitution

68% of the sample were not employed in a job other than prostitution at the time of the interview.

19.1% (9/47) were employed in another job besides prostitution. This percentage broke down to 8.8% (3/34) of the females and 46.1% (6/13) of the males.

The kinds of jobs were blue collar and included: motor cycle mechanic, shampoo girl, bartender, carpenter's apprentice, waiters and labourer.

Community agency respondents were not asked directly about prostitutes' employment status. However, when they were asked what factors determine their initial entrance into street prostitution as well as what factors have contributed to the overall increase of street prostitution in Halifax, most answered, "unemployment".

o) Prostitution Status

25.5% of all the prostitutes interviewed were retired and no longer working on the streets.

All of the police officers and most community agency respondents who were interviewed knew of at least one retired prostitute. All of these women were over 40 years old.

2. **Family Background of Prostitutes**

a) Location Where Childhood Was Spent

70.2% of the sample grew up in an urban area with a population of 15,000 or more, or in a suburban area on the outskirts of the city.

26.6% lived in a rural community with a population of 15,000 or less.

b) Parental Figures

57.4% of the prostitutes grew up with both parents. 31.9% came from single parent families. The remaining 10.7% grew up in foster homes or institutions. 46.1% (6/13) of the males came from single parent families. 26.4% (9/34) of the females came from single parent families.

c) Sibling Rank

40.5% of the sample fell into the mid-ranks of their siblings. 38.2% were first-born children. Two prostitutes had no siblings. 21.2% were the last child to be born in their family.

d) Occupation of the Parental Figures

78.7% of the prostitutes' mother-figures were in a low socio-economic class. That is to say, they were homemakers in low income families, sporadically employed in low-paying occupations, such as: waitress, hospital workers, sales clerks and bartenders. 72.3% of the prostitutes' father figures were also in a low socio-economic class. That is to say they were unemployed or fell into low-paying occupations such as: labourers, fishermen, lumber cutters, maintenance workers, cooks and miners.

e) Childhood Memories

Prostitutes were asked to recall their strongest childhood memories. They could choose one or more from a list provided. (See Appendix 10, #21). 57.4% of all prostitutes interviewed remembered continuous fighting and arguments between family members.

51% remembered alcohol/drug abuse involving one of their family members; in over half of these cases (54.1%) it was the father, and in 37.5% of the cases it was the mother.

TABLES OF PROSTITUTES' STRONGEST CHILDHOOD MEMORIES
ACCORDING TO GENDER

Continuous Fighting/Arguments Between Family Members			
Gender	No	Yes	Total
Female	15 31.91	19 40.43	34 72.34
Male	5 10.64	8 17.02	13 27.66
Total	20 42.55	27 57.45	47 100.00

Alcohol and/or Drug Abuse			
Gender	No	Yes	Total
Female	17 36.17	17 36.17	34 72.34
Male	6 12.77	7 14.89	13 27.60
Total	23 48.94	24 51.06	47 100.00

TABLES OF PROSTITUTES' STRONGEST CHILDHOOD MEMORIES
ACCORDING TO GENDER (Cont'd)

Physical Abuse			
Gender	No	Yes	Total
Female	18 38.30	16 34.04	34 72.34
Male	10 21.28	3 6.38	13 27.66
Total	28 59.57	19 40.43	47 100.00

Sexual Abuse			
Gender	No	Yes	Total
Female	22 46.81	12 25.53 (35.2% of females)	34 72.34
Male	12 25.53	1 2.13 (7.6% of males)	13 27.66
Total	34 72.34	13 27.66	47 100.00

TABLES OF PROSTITUTES' STRONGEST CHILDHOOD MEMORIES
ACCORDING TO GENDER (Cont'd)

Gender	Neglect		Total
	No	Yes	
Female	29 61.70	5 10.64	34 72.34
Male	12 25.53	1 2.13	13 27.66
Total	41 87.23	6 12.77	47 100.00

Gender	Happy Family		Total
	No	Yes	
Female	24 51.06	10 21.28	34 72.34
Male	7 14.89	6 12.77	13 27.66
Total	31 65.96	16 34.04	47 100.00

TABLES OF PROSTITUTES' STRONGEST CHILDHOOD MEMORIES
ACCORDING TO GENDER (cont'd)

No Particular Memories			
Gender	No	Yes	Total
Female	34 72.34	0 0.00	34 72.34
Male	12 25.53	1 2.13	13 27.66
Total	46 97.87	1 2.13	47 100.00

40.4% of the prostitutes recalled physical abuse in their pasts. By gender this broke down to 47.1% (16/34) of the females, and 23% (3/13) of the males.

27.6% of the prostitutes recalled sexual abuse. By gender this broke down 35.2% (12/34) of the females and 7.6% (1/13) of the males.

In many cases physical abuse accompanied sexual abuse.

12.7% of all prostitutes interviewed recalled neglected as children in some way or another; physically, psychologically and/or emotionally.

34% simply answered they had a happy family life.

2.1% answered that they had no childhood memories. (See Tables pp.22-24)

f) Physical Abuse During Childhood

Out of the 19 prostitutes who experienced physical abuse in their past, 12 (63%) recalled it as an ongoing experience. Some examples of these responses are:

"I used to defend my mother against my dad who used to beat her when he was drinking."

"I was beaten by both parents all the time. I always had bruises."

"I was locked in the closet without food, sometimes, beaten with sticks and threatened with a shot gun."

g) Sexual Abuse During Childhood

Out of the 13 prostitutes who experienced sexual abuse, 8 (61.5%) remembered it as an ongoing experience. All 8 were female. Some examples of their responses were:

"When I was 7 years old I was living with my dad and my mother's boyfriend would come and pick me up and tell me we were going to see my mom, but she was never there. He used to tell me that he loved me and that we were going to play a game. He would tie me to the bed in the basement for hours. At first he would just touch me, but after a few times he started to lick me and forced me to have (intercourse). Sometimes he'd show me his collection of real nude ladies. When I was 16 I told a police officer about it and he said, 'What did you do, sit on him and rub his bird?'"

"When I was 8 years old my girlfriend's father followed me to the outhouse. He forced me to blow him and then gave me a quarter. I ran home and told my dad, but he didn't

believe me. That guy kept coming on to me for years. This has nothing to do with what I am today."

"My mom was in and out of mental hospitals when I was growing up. My older brother took care of me. All the guys in my family would always have sex with me and my sisters. I think it started when I was 8 years old."

h) Runaway History

74.4% of the sample had run away from home at least once as an adolescent. 40% of those who ran away described themselves as "constantly running".

i) Sexual History

i) The Sexual Act

Prostitutes were asked to describe their first sexual experience with a partner. The sexual acts included oral sex, coitus, anal sex, fondling and masturbation.

ii) Age of First Sexual Experience

The average age of their first sexual experience was 12.6 years (age range: 6-18 years). 65.9% fell into the 12 years and above range.

iii) Consent

23.4% of all the prostitutes did not consent to their first sexual experience. Of those who did not consent, 90.5% were female and their average age was 9.1 years (age range: 6-14 years).

iv) First Sexual Partner

80.9% of the partners were boyfriends/girlfriends, friends or acquaintances.

The remaining 19.1% included incestuous relationships and one experience with a stranger.

3. **Entrance to Prostitution**

a) Method of Introduction

57.4% of the prostitutes in this sample were introduced to prostitution by an acquaintance who was a prostitute or by a person acting as a recruiter for a pimp. 14.8%, all females from Halifax, were directly procured to work as prostitutes by pimps. 12.7%, 3 females and 3 males, were first introduced to prostitution by a stranger offering them money in exchange for sex.

Community agency respondents in Halifax cited 3 cases where young women first became actively involved with theft rings and drug dealings. These activities in turn became the basis of blackmail which forced them into prostitution.

Police interviewed in 4 major cities believed that many women came to the street as young runaways and were introduced by acquaintances who were prostitutes or were procured directly by pimps. Examples substantiating this were found in the Police files as well. All police and community agency respondents interviewed in St. John's believed that women being introduced to prostitution by recruiters or pimps appeared to be non-existent in Newfoundland.

b) Age of First Trick

The average age when the prostitutes turned their first trick was 16.7 years. (age range: 11-27 years). When broken down according to gender, 50% (19/34) of the females in contrast to 30.7% (4/13) of the males, turned their first trick when they were 16 years old or younger.

Most community agency respondents from both St. John's and Halifax believed that prostitutes turned their first trick when they were 16 years or younger. These respondents also noted that this first trick was not necessarily followed by an immediate and regular pattern of prostitution. Police estimates of the age when prostitutes turned their first trick ranged from 14 to 25 years old with the average age being 18 years old.

c) Initial Motivation

80.8% of the sample described money as the motivating factor in their entrance to prostitution. These answers fell into 4 categories:

- needed money to support children
- needed money to support drug habit
- were unable to find employment
- desired quick cash

19.1% of all the prostitutes said they had no initial choice and were forced to work by a pimp or recruiter. All of these prostitutes were female. The manner in which they were coerced was divided into 4 categories:

- actual physical coercion, i.e., beatings
- abduction to another city where no other form of income was available to them
- confrontations with threats of violence
- manipulation by emotional control mechanisms such as, "If you love me, you'll work for me".

When asked what they thought motivated other prostitutes to enter prostitution, 42.5% said economic necessity, 29.7% said they were forced by pimps, 8.5% said they had to make money to support a drug habit. The other 19.3% did not know.

d) Types of Prostitution Involvement

89.3% of the sample started working in street prostitution. Since then, 68% had worked in other types of prostitution such as escort services, massage establishments and out of bars. However, at the time of the interviews, most were working on the street.

The prostitutes were asked what type of prostitution they would prefer to be involved in if given the choice. Of those who answered this question, 50% (13/26) chose escort services. The reasons given included:

- privacy
- less danger than on the street
- more money
- less exposure to police harassment.

One Halifax police officer noted that it is much easier to "go down than to go up" in the prostitution hierarchy.

4. **Working Conditions**

a) Hazards

i) Physical Assault

63.8% of the prostitutes had experienced some form of physical assault while working. Of these, 80% (24/30) were females and 20% (6/30) were males. Customers represented 46.6% of all the assailants. The following scenarios were reported:

"The guy couldn't get off so he asked for his money back. I told him 'no' and then he started to bang my head against the dashboard."

"I took this guy in a truck out. He wanted me to lay him after I blew him but he didn't want to pay more money. When I tried to get out, he grabbed me and started to choke me. That's when I saw the knife."

One police officer knew of several incidences where prostitutes had been assaulted by customers. None of these assaults were officially reported and in most cases the customer could not be identified. 36.6% were assaulted by pimps or other prostitutes. Some examples of this were:

"I was drinking in a bar and he came in and told me to get working and pushed me out on the street."

"He used to threaten me and one day he came at me with a knife and cut my leg. Another time he beat me so bad that he wouldn't let me leave the hotel because of my bruises."

25.5% of prostitutes carried a weapon. The weapon most frequently used for protection was a knife. The Halifax police file review reported 6 cases of physical assault by pimps.

ii) Sexual Assault

29.7% of the prostitutes had experienced some form of sexual assault while working.

More than twice the number of females 35.2% (12/34) to males 15.3% (2/13) were assaulted.

Customers represented 85.7% of all the assailants who sexually assaulted prostitutes. For example, one female prostitute stated that one of her customers "wanted a blow, but when they got to the side road, he took back the money and raped her."

Informal interviews with Halifax police and community agency respondents support the existence of both physical and sexual assault among prostitutes working the street.

iii) Sexually Transmitted-Diseases

74.5% (35/47) of the sample, provided information on their experience with sexually transmitted diseases. Of these, 25.7% (9/35) contracted gonorrhea, hepatitis or pubic lice as a result of working on the street.

The spread of sexually transmitted diseases is viewed by both police and community agency respondents as the major issue associated with street prostitution.

iv) Gynaecological Problems

52.9% of the female prostitutes had gynaecological problems as a result of working on the street.

These problems included yeast and bladder infections, cystitis, dysmenorrhea and polyps. One woman reported a recurring gland problem. Informal conversation with researchers also revealed that several of the women experienced severe vaginal irritation from lubricants used in condoms.

One health agency respondent knew of cases of young women involved in prostitution having torn vaginal linings from repeated intercourse with customers. The same health worker had encountered both prostitutes and non-prostitutes who had contracted chlamydial infections. This can lead to nongonococcal urethritis (N.G.U.) and sometimes co-exists with gonorrhea.

Eight women became pregnant while working; the outcome of these pregnancies was not reported.

v) Alcohol and Drug Use

46.8% of the sample used drugs or alcohol while working. An additional 14.8% said that they used drugs or alcohol occasionally while working. Their reasons for doing so included the following:

"to escape, to avoid thinking about what I do."

"I have to or I couldn't work. I didn't go into prostitution to support a drug habit. It came after as a way of dealing with what I had become."

"I have no choice. He (her pimp) shoots me up every night."

38.2% of the sample did not use drugs or alcohol while working. The predominant reason these prostitutes gave for not using drugs or alcohol was as one prostitute put it:

"I want to be straight and in control. That way I know what I'm doing if someone messes with me."

Interviews with Halifax police indicated that "pushers" and drug dealers are an integral part of street prostitution in Halifax.

b) Nuisances

Prostitutes reported witnessing the following disturbances on the street:

- loud, verbal arguments amongst prostitutes, and arguments between prostitutes and their pimps
- physical assault of prostitutes by pimps
- female residents mistaken as prostitutes
- curious onlookers causing traffic tie-ups
- onlookers throwing objects and yelling at the prostitutes (male prostitutes call this harassment "fag bashing").

Some community agency respondents as well as the Halifax Residents' Association confirm the existence of all of the above, adding to this list "a

substantial drop in patronage of businesses and the verbal abuse towards the female residents by the prostitutes."

c) Perceived Changes in the Street Scene

Of the 70.2% (33/47) of prostitutes who provided information on perceived street scene changes. 24.2% (8/33) said that there were more prostitutes on the street. 21.2% (7/33) said that the street was noisier, more violent and

involved more police harassment. 18.1% (6/33) said that prices on the street had dropped. 12.1% (4/33) felt that pimps had much more control of prostitutes. While 24.2% (8/33) perceived no changes on the street.

Most community agency respondents and police in both Halifax and St. John's reported an increase in the overall number of female prostitutes as well as the visibility of pimps on the street.

d) Medical Services

46.8% of the prostitutes use community health facilities. 40.4% see private doctors. 12.7% use no medical services at all.

According to several community agency respondents in Halifax, there are two free medical clinics which are frequented by prostitutes.

e) Territories

82.9% (39/47) of the prostitutes reported that there is a "silent understanding" between prostitutes regarding their particular corner or block. If any problem arise regarding territory they would "physically take care of themselves".

10.6% (5/47) of all female prostitutes reported their area to be protected by pimps or a third party. In these cases it meant that the pimps were physically present while the prostitutes worked.

In Halifax, researchers observed pimps watching prostitutes from restaurants, video shops or from their car. On two occasions a regular transference of money from a prostitute to her pimp was recorded. Prostitutes told us informally that, unlike some cities in Canada, the blocks within the prostitution areas in Halifax and St. John's were not yet firmly designated according to sexual act available, the price ranges or the race of the women, although older prostitutes appeared to work towards the south end of Barrington Street or on Gottingen Street. These women worked free-lance and tended to charge less than prostitutes who worked for pimps.

f) Work in Other Cities

48.9% (23/47) of the sample had worked in cities other than those in which they were interviewed.

91.3% (21/23) of these cities were Canadian and included:

St. John's (Halifax prostitutes)	Edmonton
Halifax (St. John's prostitutes)	Sydney
Calgary	Toronto
Montreal	Winnipeg
Hamilton	Vancouver
Dartmouth	Moncton

8.6% (2/23) had worked in New York.

The Police file review documented several cases whereby pimps directed the movement of street prostitutes between cities, including Montreal and Toronto.

g) Job Satisfaction

53.1% of all the prostitutes stated that they did not like their work. Researchers recorded comments from prostitutes such as:

"I hate it. I only do it for the money."

"It's stressful, violent and rough."

42.5% of the prostitutes sometimes like their work.

Of those who like their work, researchers recorded comments such as:

"I like the money."

"Good time, lots of friends, good money."

When prostitutes were asked what advice they would give to anyone else thinking of going into prostitution, the overwhelming response was "Don't". The advice included:

"It's not all it's cracked up to be - too many risks."

64.7% (22/34) of the females said that they did not like their work in comparison to 23% (3/13) of the males.

69% (9/13) of the males sometimes like their work as compared to 32.4% (11/34) of the females.

These responses were somewhat different according to the gender of the prostitute as outlined in the following table:

TABLE OF JOB SATISFACTION BY GENDER

	Female (N=34)	Male (N=13)	Total
Do Not Like Work	22 64.7%	3 23%	25 53.2%
Sometimes Like Work	11 32.3%	9 69.3%	20 42.6%
Other	1 3%	1 7.7%	2 4.3%
Total	34 100%	13 100%	47 100%

"There's no protection. Once you're involved with a pimp there's no way out. I wouldn't do it again if I had my life to live over."

"Don't start. Once you get into it, it's too hard to get out. Talk to some people about whether you should be on the street; they'll all say 'No'."

5. The Nature of the Transaction

"Into this anonymous pit they climb...prepared to exchange for twenty dollars for no more than ten minutes of animal sex, untouched by a stroke of their common humanity."

Gail Sheehy, 1971

a) Method of Negotiation

i) Initial Contact

Typical contact between the prostitute and the customer occurred in the following manner: The prostitute walked slowly around the block or stood on a corner in a well-known prostitution area. The customer approached in a vehicle and circled the block several times before making his selection. The prostitute and the customer exchanged eye contact and one or the other motioned with their hands or head. Then the customer drove up to the curb and rolled down the passenger window. The prostitute initiated social conversation and the customer asked how much or stated a price. The negotiation took place with the prostitute leaning into the car or sitting in the passenger seat. When the price was agreed upon, they went to another location where the sexual act took place.

The Halifax police file review and the review of charges laid under the Halifax Street Ordinance confirm the above pattern as the common mode of contact between customers and prostitutes.

ii) Reasons for Rejection of a Customer

19.1% of the prostitutes in the sample refused to take a customer on the basis of his appearance. One prostitute said "If he looks dirty or ugly I won't go with him."

15.9% rejected a customer if he refused to pay the quoted price or refused to pay before the sexual act.

14.8% rejected a customer if something in his "look" or behaviour appeared suspicious.

One prostitute answered, "If he scares me or if he's been watching me for hours, or acts strange, I won't even talk to him."

8.5% would not go with a customer if he refused to wear a condom.

An additional 8.5% refused to go with a customer who requested unusual sex acts.

14.8% refused to go with a customer for various other reasons.

10.6% of the prostitutes did not answer this question.

b) Location of the Sexual Act

63.8% of the prostitutes stated that the most common location for the sexual act was in the customer's vehicle parked on a dark side street near the prostitution area.

17% of the prostitutes stated that they often used the customer's hotel or motel room. Of those who turned a trick in a hotel or motel, the room was paid for by the customer 86.6% of the time.

14.8% of the prostitutes go to the customer's residence. Of these, 46.1% of the males go to the customer's residence compared to 2.9% of the females.

The remaining 4.2% take the customer to their residence.

c) Sexual Acts

57.4% of the prostitutes report oral sex as the sexual act requested most often.

One police officer claimed, "from conversation with various prostitutes, it was learned that oral sex is the predominant encounter." Another officer in a separate city involved in a long term surveillance of a massage establishment said, "95% of the customers want oral sex."

19.1% of the prostitutes report coitus as the next most requested act. The remaining 23.4% report other acts in various combinations such as: masturbation, coitus, oral sex and anal intercourse.

Other less frequently requested acts are:

- Sado-masochistic acts performed on the customer by the prostitute; and in rare cases sado masochistic acts performed on the prostitute by the customer.
- Group sex
- Coprophilia - "spatting" or defecating on the customer
- Golden Showers - urinating on the customer

- Purchase of female prostitute's underwear
- Photographs of the prostitutes in the nude
- Voyeurism - customer watching the prostitute masturbate
- Cross-dressing of the customer.
- Dressing of the prostitute or customer in children's clothing.

d) Time of Payment

87.2% of the sample were paid before the sexual act took place.

e) Regulars

76.5% of the prostitutes had regular customers. The average number of regulars per prostitute was 8.5.

f) Use of Birth Control

Of the female prostitutes, 38.2% (13/34) used birth control. Of those who used birth control, 76.9% (10/13) used the pill.

23% (3/13) used the I.U.D.

68% of the sample reported a constant use of condoms for reasons other than birth control, protection from sexually transmitted diseases and as a physical barrier between the prostitutes and customer, and an additional 10.6% reported an occasional use of condoms.

g) Use of Pornography During the Sex Act

When questioned on how many of their customers used pornographic material during the sexual act, 38.2% of the prostitutes replied "none", 29.7% said "some", 27.6% said "very few" and 4.2% said "quite a few." Of the female prostitutes, 52.9% said "none", 23.5% said "very few", 17.6% said "some" and 5.8% said "quite a few."

Of the male prostitutes 61.5% said "some" and 38.4% said "very few".

When pornography was used the customer provided it.

It was used for the following purposes:

- to arouse the prostitute prior to the acts
- to arouse himself prior to the acts
- as an additional stimulus during the act
- as a guide for the prostitute to imitate the sexual acts of pornographic material.

h) Involvement in the Making of Pornography

72.3% of the prostitutes in this sample had, at some time while working, been asked to pose for pornographic pictures.

In the majority of the cases the prostitutes refused.

The types of photography requested included:

- movies
- videos
- still pictures

The sexual acts requested to be filmed were:

- strip-tease
- bestiality
- lesbian scenes
- coitus

In one case, a prostitute's pimp photographed her while having sex under the influence of drugs. He threatened to use the pictures if she did not continue working for him.

6. The Economics of the Transaction

a) Prostitutes workload and Income of All Participants - Including Escort Service Prostitutes and Madams - see Table p. 39.

b) Female Prostitutes Who Work for Pimps

61.7% of the female prostitutes had worked for a pimp at sometime.

12 (57%) turned over 100% of the money to their pimps.

6 (28.5%) turned over 50% of the money to their pimps.

3 (14.2%) were not expected to turn over a specific percentage, i.e., the amount of money turned over to the pimps varied each day.

When these females were asked what the pimp provided in return, the responses were categorized as follows:

- love
- protection by his presence in the area where she worked or simply by being known as "his lady"
- management of their combined living expenses such as rent, food and drugs
- a small amount of cash to cover the costs of cigarettes, coffee and condoms for the next day.

In 5 reported cases in the Halifax Police file review the average nightly turnover to the pimps was \$121.00.

c) Breakdown by Cities

i) Halifax

On average, prostitutes in Halifax worked 5.7 hours, turned 4.7 tricks and made \$155.00 per night.

ii) St. John's

On average, prostitutes in St. John's worked 4.1 hours, turned 2.4 tricks and made \$81.00 per night.

d) Type of Payment

27.6% of the sample were sometimes paid in goods or favours such as drugs or alcohol. A few male prostitutes were occasionally taken out for drinks or dinner. Informal discussions with taxi drivers revealed instances that they sometimes referred customers and exchanged free rides with prostitutes for sexual acts.

e) Income Tax

93.6% of the prostitutes in this sample had never filed income tax on the money they earned from prostitution.

4.2% did not answer

1 said he had filed income tax.

**TABLE OF PROSTITUTES
WORKLOAD AND INCOME OF ALL PARTICIPANTS INCLUDING
ESCORT SERVICE, PROSTITUTES AND MADAMS**

Participant	Hours per Night	Average Total # Tricks per Night	Average Amount per Trick	Hourly Rate	Average Nightly Income	Annual Gross Income
1. Female Street Prostitute with Pimp	7	5.5	\$ 4.58	\$ 3.60	\$ 25.22	\$ 7,868.00
2. Street Pimp	-	-	-	-	251.56	78,488.00
3. Female Street Prostitute without a pimp	6.3	5	18.00	14.28	90.00	28,080.00
4. Male Street Prostitute	3.6	2.4	41.67	27.77	100.00	31,200.00
5. Escort Service Prostitute	13	15	28.00	32.30	420.00	144,060.00
6. Madams/Management	-	-	-	-	1,200.00	438,000.00

(For calculations, See Appendix 13.)

7. The Law

a) Criminal Record of Prostitutes

61.7% of the prostitutes had a criminal record. The offences that the prostitutes were convicted of varied from minor offences such as "breaking and entering" (Section 306 C.C.) and "shoplifting", to more serious offences such as "fraud" (Section 320) and "drug" charges (Sections 3/4 The Narcotics Control Act) and to those involving personal harm such as "assault" (Sections 244-246 C.C.) and "possession of a weapon" (Section 895/87 C.C.).

b) Charges Laid Against Prostitutes for Prostitution-Related Offences

19.1% of the prostitutes had been charged with a prostitution-related offence at least once. These included:

- "loitering" (Section 171(1) (c) C.C.)
- "indecent act" (Section 169 C.C.)
- "counselling to commit an indecent act" (Section 169 C.C.)
- "gross indecency" (Section 157 C.C.)
- "soliciting" (Section 195.1 C.C.)
- "found-in in a common bawdy house" (Section 193.2(b) C.C.)

One of the prostitutes in the sample, was charged under the Montreal by-law and one was charged under the Halifax by-law.

Of the 25 female inmates at Sackville Correctional Centre during the month of April, 1984 none had a criminal record for prostitution-related offences. However, workers there believe that the "majority" of these women had at some time been involved with prostitution.

c) Charges Laid Against Customers

6.3% (3/47) of the prostitutes had known of customers who had been charged. The offences were not noted.

d) Charges Laid Against Pimps

Of those females who worked for pimps, 9.5% (2/21) of their pimps had been charged.

In the Halifax police file review it was reported that from January 1976 to February 1984, 24 prostitutes were charged with "soliciting"; 14 pimps were charged with "procuring" (Section 195 C.C.); 6 pimps were charged with "living on the avails" (Section 195 (i)(j) C.C.) and 3 other people were charged with "keeping a bawdy house" (Section 193 C.C.).

e) Relationship with the Police

Prostitutes were in contact with both uniform and plainclothes police. 34% of them said they experienced no problems with the police. 27% reported "minor hassles" including such things as verbal abuse. 23.4% of the prostitutes did not give any information on this question. 12.6% routinely avoided them and 2.1% shared information with the police.

In Halifax, both uniform and plainclothes officers patrol the Barrington Street area. The Morality squad consists of two men who are well-acquainted with most of the female prostitutes by name. They do not patrol the male prostitution areas routinely. The annual cost of policing all forms of prostitution in Halifax is estimated at \$104,398.25. (See Appendix 14). In St. John's only uniform officers patrol the Water Street area. No policing costs were available from St. John's Police Department.

f) Knowledge of Prostitution Laws

51% of the prostitutes in this sample had incorrect information - while 36% had no evidentiary information whatsoever - regarding the evidentiary requirements to convict someone for "soliciting". In most cases, the prostitutes believed that a police officer simply had to witness the exchange of money or witness them engaging in a sexual act with a customer in order to charge them.

12.7% specifically mentioned the necessary component of "pressing and persisting".

76.5% of the prostitutes had no knowledge of the evidentiary requirements to convict someone of "living on the avails".

23% of the prostitutes knew of the evidentiary requirements such as the prostitutes' testimony, the proof of money turned over to the man, and the proof that living expenses were paid out of the prostitute's earnings.

8. **General Attitudes**

a) Definition of Prostitution

40.4% of prostitutes defined prostitution as "sex for money", 25.5% saw it as "a way to make a living", 12.7% saw it as "a service for men". The remaining 21.4% of the responses varied in attitudes from "It's a game you've gotta be ready to play all the way" to "It's scared girls trying to make some man happy." Police definitions included:

"sex for sale"

"the criminal code definition"

"a person who performs physical contact sex acts for a living"

"a prostitute is one who by way of lifestyle derives some type of monetary gain from sexual acts"
"one who sells themselves to another person, offering sexual services in exchange for monetary gain."

b) Opinions Regarding Differences
Between Female and Male Prostitution

42.5% had little or no knowledge of prostitution involving the opposite sex, 29.7% believed there was no difference and 27.6% believed there was a difference. Of those who believed there was a difference, explanations given fell into two general categories: the first noted a greater degree of danger for women on the street; the second noted a difference in the amount of money earned.

Community agency respondents had no information on male prostitution in their cities, however, these respondents were aware that it existed. Interviews with police yielded the same results. It should be noted that one Halifax police officer was aware of the existence of male prostitution as far back as 15 years ago.

c) Opinions on Legislative Change

i) Stricter Criminal Sanctions

None of the prostitutes favoured stricter criminal sanctions nor did they favour keeping the offence of soliciting in the Criminal Code. None of the community agency respondents supported stricter criminal sanctions. The negative aspects cited included:

- prostitutes rather than customers would continue to be punished and they would become more vulnerable to pimps
- more serious criminal activity would evolve - it would force more prostitutes underground.
- seen as a paternalistic law entrenching the double standard by charging only the prostitute.

Police in five cities favoured stricter criminal sanctions in order to better control the nuisances associated with street prostitution. Two officers from these cities would be in favour of a provincial or municipal by-law as long as it would be flexible enough to control the problems unique to each city.

ii) Decriminalization

23.4% of the prostitutes favour decriminalization. Some of their reasons included:

- "It would give most street people a break."
- "Legalization would be bad for business; prices would go down."
- "It would cut down on hassles from cops."
- "If you legalize it, it'll be nuts out there - it'll be like legalizing drugs."

Decriminalization was seen as the best option by most of the community agency respondents for the following reasons:

- it would result in equal treatment of prostitutes and customers
- it is the least costly option.

Two positive reactions from community agency respondents regarding decriminalization were:

- that it would control sexually-transmitted diseases
- that it would free prostitutes from pimps.

The majority of the taxi drivers interviewed informally, felt that legalization would be the best option, allowing the government to finally collect taxes on "the oldest profession in the world". The negative aspect of incipient residential neighbourhood problems could

be solved according to one respondent, by traffic re-routing, charging harassing drivers and pedestrians with "causing a disturbance" and repeal of "Keeping a Common Bawdy House" Section 193.

One community agency respondent expressed concern for the lack of control of sexually-transmitted diseases if decriminalization is implemented.

iii) Legalization

61.7% of the prostitutes favoured some form of legalization. Some of the reasons included:

- "It would stop police harassment."
- "If the girls could work out of houses, it would be safe."
- "If it was legalized., the tricks wouldn't be scared to sue the escort service. We'd make our money and the government would make some, too."
- "It would get us protection from pimps."

Most community agency respondents were against legalization, citing these reasons:

- a possible increase in crime
- that it would be open to government corruption
- the high cost factor.

Both madams interviewed felt that prostitution should be discreet and out of the public view. They believed that "houses" should be set up in order that the state, management and prostitutes share in the profits.

d) Juveniles

93.6% of the prostitutes were against persons younger than 16 years old working as prostitutes. This sentiment was expressed in the following ways:

- "I'm against it; it will mess them up for the rest of their lives."
- "Customers want young girls so pimps pick them up and work them; then they get so far in, they've had it."
- "Once a prostitute, always a prostitute."

Community agency respondents felt that children under 16 years are not emotionally equipped to be professional prostitutes and should be protected by law. They felt juveniles should not be criminally sanctioned, but rather sanctions should be imposed on men who purchase or seek to purchase sex from juveniles.

e) Need for Social Services

78.1% of the sample thought that some kind of social services should be set up to address the needs of prostitutes. The type of services that were recommended included:

- emergency clinics or hot lines
- hostels or alternate housing
- job training programs
- general counselling services
- drug addiction programs

All but one community agency respondent felt that there was a need for more social services for prostitutes. The types of services recommended were:

- individual and group counselling
- employment counselling - training and re-training programs
- transition houses which would encourage integration back into society for those who wish it
- increased social assistance
- health services
- supportive groups and agencies specifically for juveniles.

f) Prostitution as a Problem

42.5% of the prostitutes in the sample said that prostitution was a problem in one way or another. Some of them saw it as a problem for the following reasons:

- "The pimps are getting away with too much."
- "Some girls get into it and can't get out."
- "It's a rough, tough and dangerous life."
- "Too many are too young."

46.8% did not see prostitution as a problem. They gave two of the following reasons:

- "Because it provides a service in demand."
- "Life on the street is what you make it."

The remaining 10.5% did not know whether they saw it as a problem or not.

Several community agency respondents felt that prostitution was a problem. Some examples were:

- proliferation of sexually-transmitted diseases
- the violence that accompanies street prostitution
- the social isolation of the prostitute

According to community agency respondents in St. John's, prostitution does not seem to be a serious problem. However, they are aware that it exists and is becoming more visible and may at some time become a problem.

g) Future Aspirations of the Sample

All of the prostitutes who were working during the time they were interviewed 74.4% (35/47) had intentions of leaving prostitution. When asked what they would do when they no longer worked as prostitutes, the answers included:

- "Settle down with some man who'll take care of me."
- "Get my head together and go back to school."
- "Get a normal job."
- "Pimp other girls and live off them."

Only 20% (7/35) of these prostitutes had any concrete ideas regarding what would make this possible for them. All 7 said, "A steady job."

¹ G.A. Forbes, Paper prepared for Vancouver Police Board and Vancouver City Council. "Street Prostitution In Vancouver's West End." (September 7, 1977).

III. Prostitute Case Studies

The following case studies are not composites but are actual accounts of individuals who were interviewed. Their names have been changed to maintain their anonymity.

1. Female

Individual Profile

Laura is a nineteen year old ex-prostitute. She worked the streets for seven months, but is now attending the Dartmouth Work Activity Program through Probation services, where she is upgrading her clerical skills in order to get a job. She is separated, has no children and lives by herself in a rooming house.

Family Background

Born in Halifax, her early childhood was spent in a rural setting. From the time she was eight years old she lived in Halifax and Dartmouth, spending the summers in the country. During this period she was adopted, for reasons unknown to her, into a very large family, where the father was a building superintendent. The mother, who was an invalid, was described by Laura as "her best friend". She recalls arguments between her adoptive parents, at which time she would physically defend her mother against her father. She also remembers being sexually abused at the age of ten when her eighteen year old nephew threatened to beat her up if she did not have intercourse with him. This was her first sexual experience. Her adoptive mother was supportive by banishing the nephew, following the sexual assault. However, Laura felt that both parents were very restrictive and this is the reason she gave for constantly running away.

Introduction to Prostitution

It was during one of these escapades that she met Pimp No. 1 on Gottingen Street (See Pimp Case Studies Section D). "He knew I was scared and had no place to go. He asked if I was hungry and if I needed a place to sleep. So I said O.K." She lived at his girlfriend's house and was forced to earn her keep by prostituting. Pimp No. 1 initiated and then encouraged her dependency on drugs to keep her working for him. She was fourteen when she turned her first trick.

Working Conditions - Hazards

Laura worked on the street with all the hazards inherent to that type of prostitution. She remembers being "hassled" by several pimps, being physically abused by a customer who wanted more than he had paid for and having treatment for gonorrhea at a community clinic.

Nature of the Work

She would work for an average of five hours a night. During this time she would see six or seven customers who were predominantly "white collar" workers

and whose average age she estimated at fifty years. At one point she had ten or twelve regular customers. The act that was most requested of her was oral sex. On occasion she was also called upon to perform unusual acts, for example, spitting (defecating on the customer) and various S and M acts. She had also posed for nude photographs for a customer for \$150.00. Laura did not like her work; she was continuously stoned on speed, mescaline or cocaine in order to forget what she was doing.

Income

She was expected to make at least \$150.00 per night for Pimp No. 1. She turned it over nightly. In return for the money she was given cigarettes and drugs.

After some time on the street, Pimp No. 1 sold Laura to Pimp No. 4 (see Pimp Case Studies Section D). Despite this, she "... fell in love with him". One night, when she held back some of the money from Pimp No. 4, she was locked in the living room, beaten and given no food for a long period of time.

Laura commented about Pimp No. 4 who was in jail at the time of the interview; "I was scared to death of him and his violence. If he comes back to Halifax, he's coming for me".

Contact with the Law

Laura has a criminal record for such offences as: shoplifting, disturbing the peace and impeding other persons.

She has some knowledge of the evidentiary requirements needed to convict someone for soliciting and living on the avails of prostitution.

After a severe beating when Pimp No. 4 broke her nose and ribs and "drove a bullet in the wall above her head", she decided (with encouragement from another prostitute) to charge and testify against him. She remembers the Halifax morality officers as being very supportive. The support she received from the other prostitute and the police enabled her to leave prostitution.

General Attitudes

As an ex-prostitute Laura feels that legalization would bring about cleaner and safer conditions for the girls and would eliminate pimps.

She also feels that there is a need for more social services such as, counselling, job training and protection from pimps, to allow young women who have a low self-esteem and no financial resources to leave the street and look forward to a different future.

2. Male

Individual Profile

Charles is a nineteen year old street prostitute, born in New Brunswick and now living in Dartmouth, N.S. He is single and describes himself as bisexual. He does part-time body-work in a garage and lives with his mother, who pays the rent.

Family Background

His childhood was spent in Dartmouth. He was the second in a family of three children. His father was a vending machine repair man and his mother worked on a fish and chip truck. When he was seven his parents separated and he stayed with his mother.

His strongest childhood memories are of hating school and of his father hitting him with a belt. He ran away from home once but soon returned home again. His first sexual experience was oral sex with a girl at school. He was thirteen at the time.

Introduction to Prostitution

His introduction to prostitution was through a friend who was also a "hustler" on the street. Charles was eighteen and made \$80.00 from his first transaction.

Working Conditions - Hazards

Some of the hazards he describes on the street are: "fag beaters", loud prostitutes and rude comments by detectives. He would prefer the privacy and convenience of the telephone/escort system of prostitution but says no such service for males exists at this time.

Nature of the Work

He works two to three hours a night and sees about two customers. He estimates their average age as thirty-five and that most of them are professionals. Though they are married, he feels that they are "closet" homosexuals. Oral sex performed on him by the customer is the most requested act. He will give anal sex but will not receive it. He has also performed unusual requests such as, ejaculating in the customer's face and allowing his body to be squirted with lotions while the customer masturbates.

Charles has been physically assaulted by customers who do not want to pay for extra services, but he himself, has admitted to stealing money and drugs from customers. He does not drink while working in order to be in control. However, he does take drugs after working saying, "I'd live on acid if I could".

He finds the work enjoyable "when the customer is good-looking". He goes to Dartmouth General Hospital for check-ups every two months.

Income

He charges \$30.00 for oral sex and \$50.00 for anal sex on the customer. A good night's financial intake would be \$70.00 which he spends on food, clothing and V.C.R.s.

Contact with Law

He has no criminal record. His contact with the police is limited to rude comments on their part and their telling him to "move on". His knowledge of soliciting laws consists of: "They can't convict me because I don't go up to the car and offer. I suppose if they saw money exchanged I could be charged with something".

General Attitudes

Decriminalization is his preferred option in changes to the Criminal Code, but he does not state any reasons why he chose this. He feels that people under 16 should be allowed to work the streets if they want to, but reflected, "If I caught my (younger) brother doing it I'd beat him up".

The only social service he sees a need for is counselling for homosexual boys. Occasionally, he looks for other work but the easy availability of money on the streets takes away that incentive. He does not see prostitution as a problem and feels that it serves a need in Halifax.

B. ESCORT and MASSAGE SERVICES

1. Introduction

Throughout the Atlantic provinces prostitution occurs under the auspices of escort services, health clubs and massage establishments. In some cities such as Fredericton, Saint John and Moncton these establishments are the major source of available prostitution. In St. John's and Halifax a combination of both street prostitution and various services exists.

The sources used to compile data for the following section are predominantly third party; the exceptions are interviews with two Halifax madams. The remainder of the information came from newspapers, Halifax police files, interviews with police in Halifax, St. John's, Moncton, Fredericton and Saint John, informal discussions with desk clerks and taxi drivers, and a 60 year review of Yellow Pages directories in Halifax and St. John's.

As of May 1984, at least fourteen escort and massage services were operating in East Coast cities. Of these fourteen, seven were in Halifax. Researchers were able to collect some information on eight of the fourteen services including five in Halifax, two in St. John's and one in Moncton. Additional information was collected on a Fredericton/Saint John service that had been raided and closed down by police in 1982. In order to include accurate and specific details about these businesses, several names and locations have been deleted in order to protect the participants.

The eight services studied for this section have been broken down into two groups: the "off premise" and the "on premise" services. The former consists of five actual services and the latter consists of three.

2. History of Escort Services in Halifax and St. John's

Official archives include no information on the early escort services in Halifax and St. John's. Yellow Pages directories were located in the local archives however, and a brief review was completed.

The oldest directory available was a 1925 Halifax publication. The review for Halifax therefore, includes the years 1925 to 1984. The review for St. John's includes the years 1970 to 1984.

a) Halifax

The first service was listed in a Halifax directory in 1930. One private masseuse advertised under the heading "massage". This same advertisement was listed each year until 1944. As many as three other massage advertisements accompanied this first advertisement during the years 1944 to 1973. Each advertisement contained one or two lines of print stating the name of the masseuse with no gender specified.

During the period 1939 to 1974 a "Health Studio" was advertised by the same advertisement each year. No information was given on its facilities or services. No information regarding the legitimacy of any of these massage services was available.

From at least 1954 an on-premise "whorehouse" was run by a madam called "the grand old dame of the Halifax call-girl trade" by one newspaper reporter. Her business was so well-known throughout the Atlantic provinces she did not have to advertise. Over the period from 1954 to 1977 her business changed location three times yet she managed to keep the same telephone number. To this date she remains listed under her real name and address in the Halifax/Dartmouth White Pages directories.

The year 1974 (just one year after the vagrancy provision was replaced by Section 195.1 of the Criminal Code) noted an important change in the advertising of escort and massage services in Halifax. One of the two advertisements listed this year was more visible, covering a space of 1/2" x 3" and included the slogan "Relaxing" in addition to the standard name, address and telephone number. This same service has advertised every year up to and including 1984, gradually increasing in size with it's printed information becoming more explicit. The type of service had increased from "Massage" to a "Massage Hotel Service".

By 1979, six competitive services were listed. These advertisements ranged in size from 2 1/2" by 2 1/2" to 3" by 6" and were usually paired with lengthy slogans and in some cases, explicit lists of services. In 1980, one massage service listed a full page advertisement promoting such services as "massage in complete privacy", "baths" and "beauty consultants available to all sexes". In 1982, "exotic dancers" were added to this same list. Another service advertised with slogans like "I'll be extra nice . . . " and "Ask the man who's had one".

All of the services listed in the directories had Halifax addresses except one which listed a Saint John telephone number. Many of the Halifax services were cross listed with other East Coast city directories since 1980. Three of these businesses that advertised from 1979-1984 were located on Gottingen Street, an area known for it's visible street prostitution well before this time period.

Only one of the services listed actually classifies itself as an "escort service". It's first advertisement as such appeared in 1984 and consisted of an illustration of an embracing couple bordered by a telephone number including the digets "6969".

b) St. John's

The first service was listed in St. John's in 1979 and again in 1980. It contained only a woman's name and number under the general heading "massage". In 1981, two similar services were listed. By 1982 the number had doubled to four which have remained consistent to 1984. These four advertisements are in actuality only two businesses. These advertisements increased in size from 2" by 2 1/2" to 5" by 2". They include such phrases as "Discreet, courteous service" and "The Ultimate . . . In Relaxation."

It appears then, from our information that "call-girl" operations have been operating in Halifax since at least the end of WW II. Since then, advertisements for escort and massage services have increased in numbers, size of advertisements and the degree of explicitness in the language used.

3. Description of Services Presently Operating

Of the eight services that have been studied for this section, five dispatch the prostitutes directly to the customer's hotel room or residence. These have been categorized as "off premise" services. Potential customers can find the telephone number of any of these services in two ways: first, through the telephone directory under "Massage" or "Escort"; and secondly, through an indirect person giving referrals; for example, one service in Halifax has informal connections with bell-hops, desk clerks or taxi drivers who will provide its number in exchange for \$5.00. Our research lead to the finding that some services are incorporated and advertised under several different names. Upon receiving the call, the management contacts the prostitute at her residence with instructions regarding her next client. In most services a customer can request a particular escort by name or ask for a specific type, i.e., "a blonde". Usually details of the services provided are not disclosed over the telephone. The most explicit statement routinely made by one service was, "All muscles are massaged". Calls for these five services are received between 12 noon and 3 A.M., seven days a week. Each of these "off premise" services were run by women.

The other three businesses included in this study offered predominantly "on premise" services; that is, the customer makes an appointment or comes in off the street to have a "massage". On rare occasions, these services will agree to send women to a customer's hotel room. This usually involves groups of customers who are in the city for conventions or stags. This type of arrangement must be booked ahead of time with the service.

The three "on premise" massage services usually have a male bouncer on hand in case customers get "rough". Their locations are equipped with security systems and in one case, a German Shepherd watchdog sits at the front door. The three services are believed to have intercom facilities between the rooms, as well. One service is known to have speciality rooms such as S and M, Teddy Bear and Hawaiian rooms. In these services the women stand in the entrance area and the customer chooses which he would like. These massage services are also open seven days a week from 12 noon to 3 A.M. but unlike the telephone/escort services, all are managed by men.

4. General Profile of Escort Service Prostitutes

"Actually, if my business was legitimate, I would deduct a substantial percentage for depreciation of my body."

Xaviera Hollander, 1972

Available data on the prostitutes does not make relevant distinctions between those who work for escort services and those who work for massage services. All of the prostitutes are female ranging in age from 20 to 43 years although many of

the women are in their early twenties. They are predominantly caucasian Canadian citizens. Most of these women are not from the East Coast provinces and tend to come from Toronto, Montreal and Thunder Bay. Many are full-time prostitutes, however, exceptions have been noted by one police officer who knew of "university students working during the summer to save enough money for the following year's tuition". Two Halifax madams told researchers that in order to work on the East Coast prostitutes had to be referred by past employers. In most cases, this meant having worked in established Ontario and Quebec services.

It has been noted that street prostitutes rarely move into escort services unless they are, as one police officer has stated, "well connected or extremely attractive". Indeed, managements of these services are known to carefully "screen" women, looking for any previous affiliation with the street or with pimps. If the woman was known to be involved with either of these it would be unlikely that she would be hired.

A lot remains unclear about the women who work as prostitutes in these services. Their motivation and actual entrance into escort/massage prostitution remains a question for further research.

5. General Profile of Escort Service Management

"No one sets out to be a madam; but madams answer the call of a well-recognized and very basic human need. Their responsibilities are thrust upon them by the fundamental nitwittedness and economic shortsightedness of most hustling broads. And they become tempered and sharpened and polished to the highest degree of professional awareness by constant intercourse with men devoutly dedicated to the policy of getting something for nothing."

Sally Sanford, 1966

Several attempts to gain personal interviews with massage service managers proved futile, however, some biographical information was obtained. The female managers of escort services ranged in age from 32 to 74 years. They were all caucasian and Canadian citizens.

In two Halifax services family members assisted in the management of the business. All of the women running these escort services had at one time worked as prostitutes themselves in a "house", massage or escort service before beginning their own businesses. One madam claimed she learned how to manage a business from past experience working in a well-known "house" in Thunder Bay in the 1930's. Investigation as to how these women began their businesses has lead to the finding that one particular East Coast man is believed to be responsible for acting as a "management consultant" for escort services. It is believed that this man received an initial fee of \$1,000-\$2,000 as well as a later share in profits for assisting some of these women with the opening of their businesses.

It is also known that each of these service managers have continued to work part-time, providing "direct customer services" when the demand is high or when customers request them in particular. One madam is, in fact, her own business. Although she advertises as two services with different names, she is the only employee.

6. Working Conditions for the Escort Prostitute

a) Circuits

Two to six prostitutes work with each service for short-term contracts of 2 to 8 weeks duration, which are sometimes booked months in advance. They work in a circuit of services between Halifax, Moncton, Saint John, St. John's, New York, Montreal and Toronto. Management in these services are rarely in direct contact with one another. They communicate primarily through the prostitutes.

Most services provide one or two apartments for the prostitutes and pay their medical expenses. In rare cases, the management pay for living expenses including food, cosmetics and hygiene items.

b) Control by Management

One madam gives out a sheet of instructions to each new prostitute who comes to work for her. Some of the advice given therein includes: hygiene tips, general rules of behaviour with customers, and ways to handle difficult situations with customers. Prostitutes are expected to visit a physician weekly, be well-groomed and are not allowed to socialize with customers outside of work. The telephone lines in the apartments where prostitutes reside are connected to the main business phone, thereby allowing management to monitor all outgoing calls. In a recent case where a service was investigated, it was found that the prostitutes were forbidden to make outside calls.

Money is routinely turned over to management once or twice a week. One prostitute caught stealing from a Halifax madam in 1982, was fired from that service and was unable to obtain employment in any other escort establishment. In another case, the prostitute was physically escorted to the airport.

Prostitutes working for escort and massage services face similar hazards to those faced by street prostitutes but to a lesser degree. These hazards include physical and sexual assault and sexually transmitted disease. There are less reports and seemingly less incidence of assault by customers in massage establishments because a male bouncer is usually on the premises; as well, the service takes the customer's name and hotel room number over the telephone. There is also a well-established myth among of customers that most services are affiliated with the "mafia" and if they tried anything with a prostitute they would in turn be punished for it. An informal "bad trick list" exists which consists of prostitutes spreading the word about customers to be avoided amongst the network of prostitutes.

Due to the fact these women have multiple sexual partners, they always face the risk of sexually transmitted disease and related gynaecological problems.

However, unlike street prostitutes they are more likely to detect it at an early stage because of regular medical check-ups. On average, these prostitutes see a doctor once a week or every 105 customers (15 x 7 days). In Halifax one particular doctor is known to examine all of the "escort girls".

Another reason they are more likely to avoid disease is because the management gives more direction than, for example, the pimp as to what warning signals to look for in a man's appearance and in their own bodies. Escort service prostitutes are instructed to always use a condom if they detect rashes, sores, discharge or strange odour from a man's genitals. And lastly, because the sexual act takes place in a hotel room or on the premises of a business, the prostitutes have full bathing facilities available to them after each customer.

c) The Nature of the Work

Escort and massage prostitutes work equally long hours the only difference being that massage prostitutes stay on the premises. Escort prostitutes travel by taxi to several hotels or residences in one evening.

Escort service prostitutes are on call for twelve to fifteen hours a day, seven days a week. Depending upon the service, the day of the week and the season, they see an average of fifteen customers per night for twenty minutes to half an hour with each. This figure seems to be slightly lower for massage prostitutes who may see eight to ten customers a night but spend on average, one hour with each.

Prices vary from service to service but the range seems to be \$35-\$69 for one half hour in the customer's hotel room. In some cases the customer pays her taxi and in all cases he pays for the hotel room. During the half hour, the customer has a choice of oral sex, coitus, or masturbation. Anything outside of these sexual acts usually costs more and would be arranged by the customer asking for an hour instead of a half hour. One Halifax service claims to provide "any fantasy a man could think of". The madam of this service will arrange just about anything as long as the prostitute and customer are consenting and the prostitute is not put in extreme danger. This same madame is reputed as having an "S & M kit from which customers can choose their pleasure", with an estimated value of \$3,000.

Massage prostitutes tend to have less of a sexual repertoire because of the greater risk of being caught by police on the premises. Most massage services are limited to oral sex and masturbation. One Halifax "health club" allows the customer to choose the style of dress the prostitute will wear and she will provide the service in a corresponding location. For example, in the Teddy Bear Room, the prostitute may dress up as a little girl, in the Hawaii Room as a hula dancer. Another Halifax service is reputed to offer the customers video tapes of his encounter if he requests this beforehand.

Escort and massage prostitutes turn between one third and one half of all their earnings over to management depending on the service. Except in the cases where the customer pays for the taxi, escort prostitutes pay for their own taxi's as well as the tip to bell boys or desk clerks who referred the customers to the

service. One Halifax service uses one taxi company exclusively and provides a good part of their evening shift business. One massage service advertises competitively that it will "pay your taxi from anywhere in Halifax".

The average escort/massage prostitute then services 15 customers over a thirteen hour period at an average of \$50 per customer. She grosses \$750.00 in one night. On average she turns over \$300.00 (40%) to management and pays out \$120.00 in tips and taxi (\$8.00 per customer). This leaves her with a net daily income of \$330.00. If the prostitute takes off three weeks per year she would gross, not including tips \$113,520.00 per year.

The average madam or manager of a service employs on average four prostitutes at one time. S/he would receive a net daily income of \$1,200.00. The average annual income of escort/massage service management (based on 365 working days per year) is \$438,000.00. The overhead costs of the business would include telephone, advertising, medical check-ups for prostitutes, rental on apartments for prostitutes, in some cases food and living expenses for prostitutes, and an accountant and lawyer's fees.

One Halifax madam claims that Revenue Canada, aware of the nature of her business, requested her to keep books and file income tax since 1971. Since that time she has been fined six times for income tax evasion to a total of approximately \$180,000.00. In some cases, she was also charged with criminal offences but often "a deal was struck" to drop the criminal charges if she agreed to pay the back taxes to Revenue Canada.

d) Legal Control of the Activities of Escort Services

Investigations over the past years into these services appear to be instigated by complaints from the public regarding the visibility of the services, information regarding related criminal activity such as drug trafficking or as a joint effort with Revenue Canada to confiscate unpaid taxes. Overall, police forces in the Atlantic provinces tolerate the existence of this type of prostitution for the following reasons:

1. there is no soliciting on streets or in bars,
2. services are available only on request,
3. prostitutes are all of legal age,
4. rarely are there complaints of robberies or assaults.

Six of the eight services we collected information on have been investigated at least once over the last five years. In all cases where criminal charges were laid the madams and/or management pleaded guilty and were sentenced to pay fines ranging from \$300.00 to \$5,000.00 and in some cases short jail terms ranging from one day to nine months. The charges included:

Procuring (Sec. 195(1)(a)).
Living On the Avails (Sec. 195(1)(j)).
Keeping a Common Bawdy House (Sec. 193(1)).

Inmate of a Common Bawdy House (Sec. 193(2)).
Aiding, Abetting or Compelling a Person to Engage in Prostitution
(Sec. 195(1)(h)).

The charges have never been laid in P.E.I. due to the fact there are no formal escort services. The first charges against escort services in Fredericton and Saint John were in 1982, in Moncton in 1978, and in Halifax in 1965. The first major investigation of an escort service in St. John's occurred during the course of this research. On June 2, 1984, five people were charged with twenty-five prostitution-related offences. Two out-of-province prostitutes pleaded guilty to "inmate of a common bawdy house" and received \$300.00 fines. The outcome of the other charges are still pending.

Unlike street prostitution in some cities, escort and massage services are not perceived as a "problem" by police or the community. This, combined with the expense involved in an investigation could explain why there have been so few charges laid against East Coast escort and massage services.

C) CUSTOMERS OF PROSTITUTES

I. Data Collected on Customers of Prostitutes

1. Individual Profile

a) Sex

All of the 18 customers interviewed were male.

b) Age

The ages of the customers interviewed ranged from 23 to 55 with an average age of 29.6 years.

82.9% of the prostitutes estimated their customers to be between 30 and 45 years old.

The average age of the 5 customers charged under the Halifax Street Ordinance was 46 years.

Madams of escort services estimated their customers average age to be 40 years.

Most police who were interviewed said the average customer is over 30 years old. Halifax police report that "it would appear the customers of these females (prostitutes) are generally in the age group of thirty-five to sixty-five years."

c) Race

100% of the customers were caucasian.

d) Citizenship Status

94.4% (17/18) were Canadian citizens.

5.6% (1/18) had landed immigrant status.

e) Birthplace

88.9% 16/18 were born in Canada.

11.1% (2/18) were born outside of Canada.

Of those born in Canada, 38.9% (7/18) of the customers were born in Nova Scotia, 16.7% (3/18) of the customers were born in Newfoundland, and 44.4% (6/18) of the customers were born in cities outside of the East Coast provinces.

f) Education

66.7% (12/18) had some college and university education.

22.2% (4/18) were not high school graduates.

11.1% (2/18) had completed high school.

g) Marital Status

50% (9/18) of the customers were single.

27.8% (5/18) of the customers were separated or divorced.

22.2% (4/18) of the customers were married.

Police who were interviewed believed that customers were predominantly married men with families. The exception noted to this in both St. John's and Halifax were seamen who take the female prostitutes to hotels or ships.

h) Number of Customers with Children

22.2% of (4/18) of the customers had children.

i) Sexual Self-Definition

94.4% (17/18) of the customers defined themselves as heterosexual.

5.6% (1/18) defined himself as bisexual.

30.7% (4/13) of the male prostitutes thought their customers were usually "out of the closet" homosexual men.

46.1% (6/13) thought their customers were "in the closet" married homosexual men.

15.3% (3/13) said they had a mixture of different types of customers and count not specify anyone type.

j) Principal Residence

55.5% (10/18) of the customers rented apartments or duplexes.

33.3% (6/18) of the customers lived in privately owned homes.

22.2% (2/18) of the customers had other living arrangements.

k) Location of Principal Residence

94.4% (17/18) lived in the city in which they were interviewed or in a suburb close to the city.

5.6% (1/18) lived outside the province in which they were interviewed.

Madames of escort services and taxi drivers told researchers; customers were predominantly "from out of town" and hire prostitutes when on business trips.

l) Co-occupants of Principal Residence

72.2% (13/18) lived alone or with friends.

27.8% (5/18) lived with a spouse or mate.

m) Total Annual Income

50% (9/18) of the customers estimated their income to be \$10,000 to \$19,999 last year.

An additional 38.9% (7/18) estimated their income to be \$20,000 or more.

5.6% (1/18) estimated the income at less than \$10,000 and 5.6% (1/18) did not report this income.

n) Employment Status

11.1% (2/18) of the customers reported that they were unemployed at the time they were interviewed.

50% (9/18) of all the customers were white collar workers. Their occupations included: banker, manager, air-force officer, school teacher.

27.8% (6/18) of the customers were blue collar workers. Their occupations included: auto salesman, hairdresser, truck driver, carpenter, night auditor at a hotel.

16.6% (3/18) of the customers were university students.

70.2% (33/47) of the prostitutes interviewed knew the occupation of some of their customers. From these answers it was determined that 68.2% were white collar workers and 31.9% were blue collar workers. The white collar occupations included: doctor, teacher, bank manager, lawyer, politician, engineer, computer programmer.

The blue collar occupations included: electrician, off-shore boatman, trucker, farmer, labourer.

2. Introduction to Prostitution

a) Customer's Assessment of the First Experience with a Prostitute

Of those 88.9% (16/18) who gave a description of their first experience with a prostitute, 62.5% (10/16) described it as positive. An example of this was a customer who said, "It was a rewarding experience; better than most forms of entertainment".

The remaining 37.5% (6/16) described it as a negative experience; one customer commented, "It was lousy; too clinical and lacked emotion".

b) Gender of First Prostitute

94.4% (17/18) of the customers had their first experience with a female prostitute.

The other 4.6% (1/18) had his first experience with both a female and male prostitute.

c) Type of First Prostitute

72.2% (13/18) of the customers made their first contact with a prostitute on the street or at downtown local bar where many street prostitutes worked. 27.8% (5/18) of the customers made their first contact with a prostitute through an escort service.

d) Age of the Customer and Prostitute At the Time of the Customer's First Experience

The average age of the customer at the time of his first experience with a prostitute was 21.5 years (age range: 15-31 years).

88.9% (16/18) of the customers reported the ages of the prostitute with whom they first had sex. The average age of these prostitutes was 30 years (age range 19-43 years). The prostitutes were, on average, 8.5 years older than the customer on his first encounter.

e) The First Sexual Act Requested of a Prostitute

33.3% (16/18) of the customers requested coitus.

22.2% (4/18) requested a combination of coitus and oral sex.

11.1% (2/18) requested oral sex.

The remaining 33.4% requested varieties of the above, combined with anal sex and masturbation.

f) Prices Paid for First Experience with a Prostitute

The price paid for the first sexual encounter with a prostitute ranged from \$5.00 at a "Halifax service in the 1940's" to \$500.00 at an "upper class brothel in Germany." Excluding both extremes and the 3 customers who could not remember how much they paid, the customers paid an average of \$67.00 for their first encounter with a prostitute.

g) Continued Experience with Prostitutes

16.7% (3/18) of the customers had only the one encounter with a prostitute.
38.9% (7/18) had their second encounter within a month.
22.2% (4/18) had their second encounter within a year.
11.1% (2/18) of the customers did not go to a prostitute until several years later.

The remaining 11.1% (2/18) customers did not answer this question.

h) Initial Motivation

i) First Sexual Experience

27.8% (5/18) of the customers said that this was their first sexual experience.

ii) Reasons for First Hiring a Prostitute

33.3% (6/18) of the sample said they first went to a prostitute because they could not find sexual fulfillment elsewhere.

An additional 33.3% (6/18) said they were curious.

27.8% (5/18) said they were lonely and seeking companionship.

5.6% (1/18) said he wanted a different sexual experience.

3. The Nature of the Transaction

"the encounter with the prostitute is completely client centered, and every effort is made to fulfill his needs."

Vera and Bonnie Bullough, 1978

a) Age of Prostitutes

The average age of the prostitutes whom the customers went to was 21.1 years (age range: 15-43 years).

66.7% (12/18) of the customers preferred prostitutes over 20 years old and younger than 40 years, with a preferred average age of 24 years.

33.3% (6/18) of the customers did not specify an age preference.

b) Type of Prostitute Most Often Used

38.9% (7/18) of the customers most often went to street prostitutes or prostitutes working in downtown bars.

Of an additional 38.9% (7/18) most used escort services or went to massage establishments.

The remaining 22.2% (4/18) did not specify which service they used the most.

c) Frequency of Encounters with Prostitutes

61.1% (11/18) of the customers frequented prostitutes at least monthly.

22.2% (4/18) of the customers went approximately twice a year.

The other 16.7% (3/18) of the customers had gone to a prostitute only once.

d) Use of Prostitutes in Other Cities

All of the customers were interviewed in Halifax or St. John's.

66.7% (12/18) of them had gone to prostitutes in cities other than the one in which they had been interviewed.

73.3% (11/15) of these cities were in Canada. They included:

- Calgary, Alta
- Dartmouth, N.S.
- Edmonton, Alta.
- Halifax, N.S. (St. John's customers)
- Hamilton, Ont.
- Moncton, N.B.
- Montreal, P.Q.
- Sydney, N.S.
- Toronto, Ont.
- Vancouver, B.C.
- Winnipeg, Man.

The remaining 26.7% (4/15) included European cities, American cities and unspecified cities in New Zealand and Bermuda.

e) Activities Engaged in Prior to Contact with Prostitutes

83.3% (15/18) of the customers described their activities prior to engaging in prostitution.

Of these, 60% (9/15) were drinking and socializing in bars or smoking marijuana just prior to making contact with a prostitute.

The other 40% (6/18) were working or alone in their hotel rooms just prior to making contact with a prostitute.

31.9% (15.47) of the prostitutes interviewed said that their customers had usually been drinking or taking drugs prior to making contact with them.

f) Method of Negotiation

i) Initial Contact

Customers in this sample either approached the prostitutes in vehicles in the manner described in Part II., Section 5(a)(i), called the escort service and arranged for the prostitute to come to their hotel room, went directly to a massage establishment or approached a woman in a bar who was believed to be a prostitute.

ii) Reason for Rejection of a Prostitute

61.1% (11/18) of the customers would not go with a prostitute if they were not attracted to her overall appearance or if she looked "dirty" to him.

22.2% (4/18) of the customers would not go out with street prostitutes. The reasons customers gave for this included:

"They're sleazy . . ."

"They're blatant and painted up . . ."

g) Location of Sexual Act

38.9% (7/18) of the customers usually engaged in the sexual act in a hotel room.

38.9% (9/18) of the customers said that they most often experienced the encounter at their own residence.

16.7% (3/18) usually engaged in the sexual act in cars.

5.6% (1/18) usually went to a massage establishment.

h) The Sexual Act

i) Types of Sexual Acts Requested

66.6% (12/18) of the sample reported the sexual act they usually requested.

Of these, there appeared to be no particular trend in the acts they requested. The sexual acts included: coitus, oral and anal sex, masturbation, combinations of the above and group sex.

ii) Types of Payment

The price paid by the customer for the sexual acts range from \$10.00 to \$300.00.

The average price per sex act that the customers paid was \$140.00. Most of the men paid cash for the services of the prostitute.

27.8% (5/18) reported exchanges of goods or favours for sex. One customer gave a prostitute "computer programming information" in exchange for oral sex.

iii) Time of Payment

66.6% (12/18) of the customers paid the prostitutes before they had sex.

16.7% (3/18) of the sample paid the prostitute after they had sex.

The remaining 16.7% (3/18) of the sample paid some money before and the remaining amount after the sexual act.

i) Regulars

55.6% (10/18) of the customers interviewed reported that they did not visit particular prostitutes regularly.

44.4% (8/18) of the customers had two or three regular prostitutes.

One customer commented: "My two girls are like best friends to me. They perform things that my mate won't even try."

j) Use of Pornography During the Sexual Act

83.3% (15/18) of the sample reported that they did not use pornographic materials during the sex act.

k) General Use of Pornography

55.5% (10/18) of the customers interviewed said that they purchase pornographic magazines.

Playboy and Penthouse were the most frequently cited examples.

l) Motivation

The most consistent reason customers gave for engaging in prostitution was "sexual enjoyment". This was the response from 44.5% (8/18) of the sample. One customer responded:

"I enjoy being able to spend time with someone and experience a variety of sexual experiences."

Other reasons customers gave included:

- . sexual problems at home
- . curiosity
- . loneliness
- . preference of non-committal sex
- . discreet-secretive homosexual sex.

25.5% (12/47) of the prostitutes said that their customers were sexually unfulfilled in their personal lives.

19.1% (9/47) felt that the customers simply wanted sex with no commitment or "... simple, easy sex".

17% (8/47) felt that the customers were lonely men.

14.9% (7/47) stated that they were motivated by curiosity.

10.6% (5/47) (all males) said that their customers were "closet homosexuals".

The remaining 12.8% (6/47) did not know what motivated their customers.

m) Hazards

i) Physical Assault

5.6% (1/18) of the sample had been robbed by a prostitute.

Police from two cities said they knew of rare cases when customers reported being robbed by prostitutes.

ii) Sexually-Transmitted Diseases

5.6% (1/18) of the sample had contacted gonorrhea as a result of being with a prostitute.

27.7% (5/18) of the customers reported that they had regular medical check-ups.

n) Nuisances

83.3% (15/18) of the customers did not notice nuisances or public disturbances on the streets known for prostitution.

o) Perceived Changes in the Street Scene

83.3% (15/18) of the customers did not comment on any changes in the street scene of the city in which they were interviewed.

4. **The Law**

a) Criminal Record of Customers

66.7% (12/18) of the customers interviewed had no criminal record.

22.2% (4/18) of the sample reported having a criminal record. The charges included obscene phone calls, possession of marijuana and dangerous driving.

There is no information on the remaining 11.1% (2/18).

b) Charges Laid Against Customers' for Prostitution-Related Offences

No customers in the sample had been charged with a prostitution-related offence.

c) Relationship with Police

None of the customers had had any relations with police regarding their prostitution-related activities.

d) Knowledge of Soliciting Law

Only one customer understood the conditions surrounding the present soliciting law. His comment was:

"As I understand it, the girl must be shown to be over-zealous in her solicitation before she can be charged. Prostitution is legal provided the girls stay within the bounds of the law."

Most men reported that they did not know what evidence was required to convict someone of soliciting.

Some customers believed that a visible exchange of money between the customer and the prostitute would be sufficient evidence for the police to lay a soliciting charge.

5. General Attitudes

a) Customers' Definition of Prostitution

88.8% (16/18) of the sample provided definitions of prostitution.

Of these, 75% (12/16) defined prostitution as "sex for money".

Some of these definitions included:

"Physical gratification for cash remuneration."

"Fucking for money."

"A lady who sells her body for a price."

Other definitions were:

"A person doing a job."

"A woman trying to make a living."

"Someone used unwillingly or coerced."

b) Opinions on Male and Female Prostitution

50% (9/18) of the customers felt that there was no difference between male and female prostitution.

16.7% (3/18) felt that there was a difference.

One of the customers stated:

"Female prostitution is much more popular."

33.3% (6/18) said that they did not know if there was a difference between male and female prostitution.

c) Opinions on Legislative Change

i) Stricter Criminal Sanctions

11.1% (2/18) of the customers interviewed favoured stricter criminal sanctions.

The reasons for wanting stricter criminal sanctions included the association of prostitution with crime and drug-related activities and the involvement of minors.

ii) Decriminalization

33.3% (6/18) of the sample favoured decriminalization.

The main reasons given for favouring decriminalization combined the idea of prostitution as a social service that would be best kept discreet and outside of government controls with the issue of allowing the prostitute to make her/his own career choice.

Some of the comments were:

"It would be more discreet."

"It would give more freedom to people who benefit from prostitution."

"I wouldn't like to see the government have any control over prostitution."

"I don't think women should have to conduct their business in fear of penalization -they are providing a social service. It would also mean the woman could make her own choice."

"It would make it what it could be - a question of choice (for both the prostitute and the customer) with no controls."

iii) Legalization

55.6% (10/18) of the sample favoured legalization.

The main reasons given for favouring legalization included greater accessibility, less crime, less sexually transmitted disease and less rape.

Some of these reasons were expressed in the following ways:

"If it was legal, rape wouldn't happen as much."

"Prostitution has been around for a long time . . . the oldest profession in fact. I feel legalization would result in less crime and V.D."

"Girls are doing a job service; keeping a rapist off the street."

"It would be better controlled, more sure of what you are getting "not as likely to run in to disease."

d) Juveniles

77.8% (14/18) of the sample did not agree with people under 16 working as prostitutes. The majority stated people under 16 were too young and

immature and generally felt they didn't know what they were getting into. The remaining 22.2% (4/18) of the customers did not see problems associated to people under 16 working as prostitutes. Some comments were:

"If the person can handle it, it's O.K. with me."
"Doesn't bother me, it's their life."

e) Opinions on Why Males and Females Enter Prostitution

77.8% (14/18) of the customers felt that "easy money" was the primary motivation for people entering prostitution. Some comments were:

"Money, easy money, non-taxable money."
"Predominantly money; they have a saleable item."
"Easy money, they get paid for something they enjoy."

Some of these customers felt the money factor was combined with unstable family backgrounds and a lack of available alternative work. These comments included:

"Because of bad family background,"
"Broken home . . . to make a living,"
"Money . . . they have no other avenues open to earn an above average income."

There is no information on the remaining 22.2% (4/18).

f) Opinions of the Prostitutes' Need for Social Services

66.7% (12/18) of the sample did not think prostitutes needed social services set up for them.

The remaining 33.3% (6/18) suggested prostitutes had a need for medical services, protective services, job training and counselling services.

Some suggestions were:

"Along the lines of protection."
"Medical clinics to assure that sexually-transmitted diseases are not spread."
"Job retraining programs - especially for juveniles."

g) Prostitution as a Problem

88.8% (16/18) of the sample commented on whether or not prostitution was a problem.

56.25% (9/16) of the customers said that prostitution was a problem. They stated the involvement of young girls, the relationship with crime and drugs,

and the stigma that mainstream society and politicians attach to the profession as the most important associated problems.

Some of the customers' comments were:

"The problem stems from the inability of our society to handle prostitution.

"It's a problem with respect to young girls getting involved. Also drug and crime related offenses that pertain to young girls who don't know what they are getting into - need some control other than pimps."

"The only problem is the fuss that governments make over prostitution -they should legalize it and then leave the profession alone."

43.75% (7/16) said prostitution was not a problem and stated that, in fact, it was a necessary social service.

Some of their comments were:

"It's a required service and is as necessary as the three meals we eat every day."

"I think they provide a necessary service."

"I don't see any problem - the only reason everyone complains is because the government isn't making any money from prostitution."

II. Customer Case Studies

The following case studies are not composites but are actual accounts of individuals who were interviewed. Their names have been changed to maintain their anonymity.

Customer Case Study No. 1

Individual Profile

Arthur is a 34 year old, single, heterosexual auto salesman. Born in Nova Scotia, he lives alone, in a rental apartment in Halifax. He attended university for two years and his income, last year, was between \$20,000 and \$30,000.

Experience with Prostitution

His first experience with prostitution occurred when he was 25 years old, with a street prostitute who was 19. He recalls it as a positive experience and has subsequently hired a prostitute monthly. He usually requests coitus combined with oral sex. Although he has been with prostitutes as young as 15 years old, he prefers prostitutes who are 20 to 25 years old. He does not like the "sleaziness" of street prostitutes, so he frequents those who are in hotel bars. They usually go to his residence. He reports that, once, while sleeping, he was robbed of his wallet by a prostitute. His motivation for going to prostitutes is to experience sexual acts which his girlfriend will not perform. He has also hired prostitutes in Moncton and Miami.

The Law

Arthur has a criminal record for possession of drugs. He has no knowledge of the soliciting laws and feels they do not affect him in any way. He favours legalization, feeling that this would result in lower prices and easier access to prostitutes.

General Attitudes

He does not see prostitution as a problem and does not think that social services are needed for prostitutes. He does not have strong opinions regarding juveniles working as prostitutes on the contrary, he commented "I like young fluff".

Customer Case Study No. 2

Individual Profile

Dick is a 39 year old, heterosexual truck driver. A native of Nova Scotia, he has a grade 10 education and lives with a common-law partner in a rented flat in Halifax. Last year his income was between \$15,000 and \$20,000.

Experience with Prostitution

His first experience with a prostitute was also his first sexual experience with a partner. He was 31 years old and the street prostitute was 23 years old. At that time he requested a "hand job" for \$30.00 and he continues to ask for this same act on his infrequent visits. He went to a prostitute because he was lonely and had difficulty socializing with women. The youngest prostitute he has ever used was 17 years old. He prefers street prostitution for its convenience and efficiency. Appearance is very important in his choice of a prostitute. He used to pay for the service with a taxi ride when he drove taxis. He has contracted gonorrhea as a result of being with a prostitute. Dick has two nieces, 16 and 18 years old, who are working for a pimp.

The Law

He has no knowledge of soliciting laws, but favours legalization because he sees prostitution as a service where "sex crazed maniacs can get relief".

General Attitudes

For this customer, prostitution is seen as a problem because of the present legal situation. He feels that prostitutes should be at least 21 years old; that they do not require social services and that they service a need for men who can not have normal relations with non-prostitute women.

D) PIMPS

I. Data Collected on Pimps

1. Introduction

The existence of pimping in the Atlantic provinces is limited to Halifax. Police and community agency sources in other major East Coast cities all stated that organized pimping was not a problem in their cities. Halifax and Dartmouth police, Halifax community agency respondents and Halifax prostitutes however, all concur that the majority of female prostitutes (with estimates ranging from 75% to 100% of all prostitutes) working the Barrington and Gottingen Street areas turn a large portion of their earnings over to a pimp. There is no pimping activity involving male prostitutes in Halifax at this time.

Many prostitutes told researchers, that "You can't work the Stroll without a man". Based on police estimates and numbers of pimps identified by name over a five month period by researchers, there are 28-35 men presently working as pimps in Halifax. That is, these men are actively collecting and living solely off the earnings of 1 to 3 prostitutes each, and identify themselves and are known by prostitutes as "pimps".

It should be noted that the relatively low percentage of female prostitutes found to be working for pimps (see the survey results) can be explained by the following:

1. The prostitutes were reluctant to discuss their pimp/prostitute relationship with a stranger. Information was elicited more easily about other women and their pimps. In many instances the respondents seemed to answer in the socially acceptable ways to try and win the respect of the interviewer.
2. The prostitutes were reluctant to discuss their pimp/prostitute relationship for fear the information would be passed on to the Morality Division of the Halifax police to be used to charge them or their pimps.
3. The number of retired prostitutes who were interviewed contributed to the low percentage of female prostitutes working for a pimp because they had worked independently (without pimps) for most of their careers. Organized pimping is relatively new to Halifax; by the time pimps gained control of the street the women were older, and therefore considered less appealing by these pimps.

2. Case Studies

"The degree to which a pimp, if he's clever can confuse and delude a prostitute is very nearly unlimited."

Polly Adler, 1953

The following case studies of convicted pimps have been compiled from a collection of data including: police files, Prothonotary court transcripts, field notes from interviews with community agency respondents, police officers who knew these pimps, as well as anecdotal contributions by prostitutes who were involved with these men. It was ill-advised for researchers to approach pimps in person due to their reputation for violence and manipulation. Attempts were made to speak directly with incarcerated pimps but administrative barriers and time restraints stood in the way.

All of the pimps referred to in this section continue to be part of a large underground "organization" involving other activities such as drug trafficking, theft, the "running" of stolen goods and bootlegging. Pimps No. 1 and No. 4 are presently incarcerated but both are due to come before the Parole Review Board this year. Although incarcerated, both of these men continue to have contact with other pimps. In one instance a pimp continued to terrorize women who worked for him by sending threatening letters to them from the penitentiary. The reputations of these pimps on the streets alone act as a measure of control and ensures their easy re-entrance to "the life".

The most well-known pimp, who will be called Pimp No. 1, headed the Halifax Street "organization" until his conviction in 1980. Consequently, his case study remains the most detailed and complex of those documented in this section. Several of the case studies are limited in terms of factual details. This limitation is a direct result of the data that was available within the data collection time frame. Only where factual detail was clear and concise was it included, which will explain the discontinuity in some of the information. The study of pimps merits further in-depth investigation because of their essential part in the manifestation of prostitution in Halifax.

PIMP No. 1

The investigation of Pimp No. 1 was conducted as a joint effort between the Halifax and Dartmouth police forces and the Nova Scotia R.C.M.P. over a two-year period from 1978 to 1980. It was only after investigations were well into the second year that police became aware of the extent of the operation. It was discovered that No. 1's operation existed on an international level and involved, in addition to the procuring of female juveniles for prostitution, other illegal activities such as drug use and trafficking, theft rings and bootlegging.

No. 1 is a black Halifax born resident and was 34 years old at the time of his first trial in 1980. The estimates of the number of girls No. 1 had control over at one time, ranged from 40 (based on interviews with Halifax police officers) to 66

(based on R.C.M.P. files). The ages of the girls ranged from 11 to 17 years. No. 1 controlled these girls directly although six other pimps worked under him, (three of whom were his brothers). These pimps were known to have transported girls from Halifax to Toronto, Montreal and as far as Los Angeles to work as prostitutes and act as messengers with drugs. No. 1 had connections with other pimps in each of these cities.

No. 1 first appeared in court in February 1980. No. 1 was tried on thirteen different charges during a lengthy and intense trial. All of the charges were laid in connection with the operations of his prostitution activities. Of the thirteen charges laid against No. 1, Prothonotary records show that he was convicted on nine of them. He was originally sentenced to fourteen years in Dorchester Penitentiary, New Brunswick. He appealed the sentence and subsequently it was reduced to nine years. Once in Dorchester Penitentiary, No. 1 had to be moved into protective custody in Kingston Penitentiary in Ontario in order to be segregated from the other inmates who knew of No. 1's reputation with juveniles.

The following discussion includes the specific charges laid against No. 1 and segments of the corresponding evidence heard against him. Names of the prostitutes have been changed to ensure their anonymity.

No. 1 was charged with four offences involving two girls who were sisters. The charges were:

1. "Living on the avails of prostitution (Sec. 195(1)(j)) of a female person (by the name of Lana)";
2. "Aiding, abetting and compelling (Lana) to engage in or carry on prostitution" (Sec. 195(1)(h));
3. "Procuring (Lana) to have illicit sexual intercourse with another person or persons unknown to her" (Sec. 195(1)(h));
4. "Attempting to procure (Marjorie) to have illicit intercourse with another person or persons unknown to her" (Sec. 195 (1)(a)).

Testimony given by Lana revealed that she was 16 years old when she was procured by No. 1. She admitted that she had been sniffing contact cement glue and working as a prostitute before meeting No. 1. Lana knew female prostitutes who were acting as "recruiters" for No. 1. They had tried to persuade her to work for No. 1 on prior occasions. This was a common and effective ploy of No. 1.

One night No. 1 approached Lana directly in a tavern. They had a few drinks and then No. 1 invited her to his home where he gave her marijuana and more alcohol. He persuaded her to bath, curl her hair and choose something new to wear from a collection of clothing he kept for this purpose in his basement. Other young women working for No. 1 were present and helped Lana to apply her make-up. He then persuaded her to work for him against her will at the same local tavern where they had met. Over the period of the following week she worked each night with one of No. 1's other prostitutes. When she was not working she was not allowed to

leave No. 1's home, and on several occasions No. 1 used physical force to prevent her from leaving. She was expected to turn all of her earnings over to him nightly.

During this same time No. 1 was also trying to procure Marjorie, Lana's 18 year old sister, to work for him. She refused to and No. 1 assaulted both women. Soon afterwards the two sisters ran away from No. 1 with no means of supporting themselves. They called the police on a subsequent day when they were frightened after seeing No. 1 drive past them on a downtown street. The Halifax police laid charges against No. 1 at this time.

The family background of Lana and Marjorie revealed that their parents were separated and their mother was an alcoholic. The Nova Scotia Family Court had already sent Lana to Truro School for Girls Under 16 because she was "unmanageable". Marjorie had also admitted to prior glue sniffing. When Marjorie appeared in court to testify against Pimp No. 1, she was 8 1/2 months pregnant. Both girls stated they had been influenced by peer pressure to become involved in prostitution.

Three additional charges were laid against No. 1, involving his relationship with Terry. The charges were:

1. "Unlawfully procuring a female person (Terry) to have illicit sexual intercourse with male persons" (Sec. 195(1)(a));
2. "Unlawfully for the purposes of gain, exercising control, direction, or influence over the movements of (Terry) in such a manner as to show that he was aiding, abetting or compelling her to engage or carry on in prostitution with any person" (Sec. 195(1)(h)); and
3. "Unlawfully living wholly or in part on the avails of prostitution" (Sec. 195(1)(j)).

When Terry first met No. 1, she was unemployed and 17 years old. Her home life was quite unstable. Sometimes she lived with her mother and other times she lived with the family of her previous boyfriend. Terry would "hang out" on the downtown streets and knew people who worked as prostitutes, but there is no indication in the data sources as to whether she had worked as a prostitute prior to meeting No. 1. As in the case of Lana, No. 1 also used female recruiters to persuade Terry to go to his home. The two recruiters gave her some marijuana and told her there was more at No. 1's house. Once there, a party evolved and she had sex with No. 1. No. 1 talked her into working for him, gave her new clothes and provided her with more drugs and alcohol. He also gave her false identification so she could work in the tavern with his "other women". Terry turned one trick for which she was paid \$20. This money was turned over to No. 1 who subsequently gave her \$5 back for spending. Terry was arrested in the tavern for presenting the false identification and afterwards agreed to testify against him. The Crown argued that No. 1 provided the "means of prostitution" for both Lana and Terry, i.e., the clothing, the drugs, transportation to the tavern, and the false identification. This was crucial to No. 1's convictions involving both of these women.

A third set of charges laid against No. 1 involved Bridget, a young girl of 14 years. The three charges included:

1. "Unlawfully procuring (Bridget) to have illicit sexual intercourse" (Sec. 195(1)(a));
2. "Unlawfully aiding, abetting and compelling (Bridget) to engage in or carry on prostitution" (Sec. 195(1)(h); and
3. "Unlawfully living on the avails of prostitution" (Sec. 195(1)(j)).

Bridget first met No. 1 in Halifax when she was 13 years old. He offered her a ride in his car, gave her some marijuana and induced her to go to California to work as a prostitute. Fascinated by No. 1, she agreed. Once in California working for No. 1's brother, she was arrested by police and placed in a juvenile facility. Halifax police were sent to California to pick Bridget up and take her back to Halifax where she was placed in another adolescent shelter.

While Bridget was in the adolescent shelter she continued to work as a prostitute for No. 1 "out of her love for him". He would pick her up after school, take her to his place to change her clothes and then drive her to a local hotel to work as a prostitute. After work he would pick her up again, take all of the money she earned minus \$5 she received back for spending, and bring her back to the shelter. When this activity was discovered by the staff of the shelter Bridget was moved to a group home with greater supervision. However, she continued to work for No. 1 although on a less frequent basis.

No. 1 attempted to take Bridget to Montreal to work, but he became nervous when two prostitutes and another pimp who were under his control were arrested. Instead, he took Bridget to Saint John, N.B., put her up in a motel, and gave her false identification so that she could work. When No. 1 realized that police were following them, he returned to Halifax leaving Bridget alone in Saint John. She then hitch-hiked back to Dartmouth where she rented a room and attempted to work independently in Halifax. No. 1 soon became aware she was back. He located her and beat her. She was forced to continue working for him out of fear.

No. 1's accelerated his physical abuse of Bridget in order to keep her working for him. On one occasion he fractured two of her ribs. On another night No. 1 gave her several "mickeys" of alcohol to consume while working. Later that same night he forced her to perform fellatio on him and a dog in the presence of other pimps. Pimp No. 2 took flash pictures, which were used as blackmail to keep Bridget working for him.

It was during the course of these events that Dartmouth and Halifax police and R.C.M.P. were following Pimp No. 1 closely. Electronic devices were used to listen in and observe No. 1's actions in order to collect evidence against him. Both No. 1 and his brother, No. 2, were also charged with "inducing (Bridget) to fellate a dog" (Sec. 305(1)). The files did not record which two charges No. 1 or No. 2 were actually convicted of. It is likely that both No. 1 and No. 2 were found guilty of

the last two charges, "living on the avails of prostitution" (Sec. 195(1)(j)), and "inducing (Bridget) to fellate a dog" (Sec. 305(1)), based on the amount of evidence brought forth regarding the corresponding acts.

The judge's concluding remarks in the trial noted that there was an age disparity of 14 years between Bridget and No. 1. He went on to say, that although she was not a "lily-white virgin", she was still "... a human being subject to the fear of being beaten," as well as "... the fear of exposure of film or photographs showing her in a compromising position with a german shepherd ... which was done under the duress of the accused (No. 1)".

The fourth and final set of charges involved Roberta. Roberta was 15 years old when she testified in court against No. 1 on 2 charges. The first charge was "unlawfully, with intent to gain by threats, menaces or by violence attempted to induce (Roberta) to work for him as a common prostitute" (Sec. 305(1)). The second charge was "unlawful confinement of (Roberta)" (Sec. 247(2)).

Roberta was 13 years old and working as a part-time model when she first encountered No. 1. At the age of 14 she quit school after being charged with truancy by the R.C.M.P. She came from an unstable family background living in several different places; with friends, her parents and her boyfriend's parents. It was suspected that she may have been battered as a young child or witnessed her mother being battered because of her familiarity with the staff at a local battered women's shelter. As in the other cases, No. 1 had a female recruiter bring Roberta to his home. Once there, he threatened to burn her with a hot curling iron on the back of her neck when she refused to work as a prostitute for him. Beth, another young woman working for No. 1, intervened and Roberta was able to escape. No. 1 beat Beth for intervening and she was later seen with facial bruises and a black eye.

No. 1 was found guilty on both counts. Roberta's testimony included that No. 1 had stated "that, he could make a lot of money off her" and commanded her to work by the words "You're going to do what I want you to do whether I have to force you or not". The court found that confinement had been proven beyond a reasonable doubt based on the argument that Roberta could not have escaped had Beth not intervened.

Police investigation of this case was drawn out over a two year period. The R.C.M.P. covered most costs and provided the surveillance equipment. Halifax police estimate that the Halifax police force contributed between \$100,000 and \$125,000 towards the investigation over and above their annual budget for prostitution.

PIMP No. 2

Pimp No. 2 was a younger brother to Pimp No. 1 and was actively involved in No. 1's organization. There was limited background information available about No. 2 or about the women involved in his offences. He was between 22-26 years old at the time of the first trial. He was charged with two counts of "living on the

avails of prostitution" (Sec. 195(1)(j)). No. 2 appeared in court on the first charge in February of 1981 and on the second charge in May of 1981.

He pleaded not guilty to the first charge, but was found guilty and sentenced to one year. He pleaded guilty on the second charge and was sentenced to six consecutive months in a correctional centre plus a fine of \$2,500.

On the first charge, the defence maintained that there was no actual evidence that No. 2 received the proceeds of prostitution, stating that he never transported the woman to or from work. However, the prosecution proved that No. 2 was aware that the woman was a prostitute. This information combined with police and other prostitutes' testimonies that they were living together and were parents of a child secured a conviction.

Two other charges involving another female were laid against No. 2 along with his brother, No. 1. The circumstances of these charges were documented earlier in No. 1's case study.

PIMP No. 3

Pimp No. 3 was also involved with the organization of Pimp No. 1. His age was not documented but he was of black racial background and born in Halifax.

He was charged with "procuring (Cindi) to have illicit sex with (Pimp No. 1)" (Sec. 195(1)(a)) as a result of the investigation of Pimp No. 1. Cindi, an 18 year old female, first encountered No. 3 on a night in June, 1979. She had just been thrown out by the man she was living with and was on her way to her sister's place. On the street, a vehicle drove up and stopped beside her. At first, Cindi was not worried because she recognized one of the passengers, a mutual friend to her and No. 3. However, when No. 3, a stranger to her at this time, jumped out and grabbed her arm, she became very frightened. He forced her into the vehicle and proceeded to drive on to Dartmouth to the home of No. 1.

Once there, No. 3 forced Cindi to fellate him and then told her to bathe and change her clothes. She was given new dresses to try on and another woman who was present cut her hair. No. 1 paid No. 3 a sum of \$1,000 in exchange for Cindi. No. 3 then handed Cindi over to No. 1, stating to Cindi, "Either he's your king or treat him like your king". No. 1 then disrobed and inspected Cindi before forcing her to have sex with him. With the aid of drugs and alcohol, she was induced to work for him as a prostitute at a downtown bar for the following 2 1/2 months.

No. 3 came before the Supreme Court in February of 1981 for this charge. A stay of proceedings resulted in May of that year because Cindi, the main witness, left the province and could not be located. Given her initial willingness to testify against No. 3, police believe threats of violence to her or her family from No. 1 likely caused her to leave. Two other charges were laid against No. 3 at this time. The first was for "willfully attempting to obstruct justice" by paying \$1,000 to Katie so that she would not testify against No. 1 as a victim of "rape" (Sec. 127(2)(a)). He was found guilty of this charge and sentenced to 12 months in a correctional centre.

The second charge involved the kidnapping of Didi with "the intent to confine her against her will" (Sec. 247(1)). No records regarding the outcome of this charge were available.

PIMP NO. 4

Pimp No. 4 was 24 years old at the time of the trial. He is a black resident of Halifax. He was charged with "living on the avails of prostitution" (Sec. 195(1)(j)). No. 4's criminal background included sixteen prior convictions on various offences including "trafficking of narcotics". He had already been incarcerated for a 2 1/2 year period. No. 4 lived on the earnings of 17 year old Barbara from January to June 1982. During this six month period Barbara earned approximately \$15,000. She worked six hours a night, 7 days a week, and earned between \$150 and \$200 a night, which she always turned over to No. 4. With this money, No. 4 paid for food, rent and her meagre clothing. The surplus was spent on his car, drugs and alcohol.

Barbara testified that she was often physically abused by No. 4. He would beat her if she did not earn enough money. She reported four particularly severe beatings in which No. 4 whipped her legs with a leather belt, hit her in the face, kicked her in the ribs and caused her nose to bleed. Barbara finally went to the police because she was afraid of further beatings and wanted to get away from No. 4.

Throughout the trial, No. 4 maintained that he had not been living with Barbara and that he had his own income from "junking". No. 4's mother gave supporting testimony that he had not been living with Barbara. The judge, however, noted that he "thought the mother was lying". The Court's decision that No. 4 was guilty of "living on the avails of prostitution" was based on stronger evidence that he indeed was living with her and had no other source of income. No. 4 was sentenced to 2 1/2 years in Federal penitentiary.

One social worker who was personally familiar with No. 4 provided background information for this case study. She stated that No. 4 came from a family of known "women haters". Several of his brothers and uncles had been pimps also. His father hated women and taught his sons to call all women by derogatory names such as "whore", "cunt" and "bitch". No. 4's mother was beaten regularly by her husband and her sons. They lived in an apartment building in a poverty stricken area of Halifax where they often went without heat and food.

No. 4's pimping tactics involved "hanging out at roller skating rinks, bowling alleys and shopping centres, preying on young children, most often with behavioural problems and unstable family backgrounds". The social worker further stated that she had treated female children who had been physically abused by No. 4. He had in the past brought children as young as eleven years old to a room where he was known to conduct his beatings. These children continued to live in fear of being brought there even after communication was broken with him. In some cases he prostituted the same children and even went as far as to bring the customers to his

apartment to avoid the children being seen in public in the prostitution areas of Halifax.

PIMP NO. 5

Pimp No. 5 was a 17 year old black youth originally from Toronto. He was charged with "living on the avails of prostitution" (Sec. 195(1)(j)). He had been living in Halifax for one year when he met Marg. Very little information on Marg's background was available. She had had a baby just prior to meeting No. 5, who procured her to work for him as a prostitute. His method of procuring was not documented. The court records indicated that Marg worked for No. 5 for a period of three weeks. During this time, Marg earned \$1,500, all of which was turned over to No. 5, who would visit her daily to collect the money. Marg worked in fear of physical repercussions if she did not bring in money for No. 5 each night. Eventually, an old boyfriend helped Marg to get away from No. 5 and convinced her to go to the police. The trial was in November of 1981 but there was a stay of proceedings because Marg, who was the main witness, left Nova Scotia and could not be located.

PIMP NO. 6

Pimp No. 6 was charged with two offences. The first was the "willful attempt to obstruct the cause of justice by paying \$1,000 to prevent (Kory, a female witness) from testifying against No. 1 on a charge of rape" (Sec. 127(2)(a)). The second charge was for "living on the avails of prostitution" (Sec. 195(1)(j)). No. 6 pleaded not guilty to both charges. There was no background information available for No. 6 or the women involved in his offences.

In January of 1981, a preliminary inquiry was held to determine whether there was sufficient evidence for a trial. The defence tried to quash the first charge by challenging the application of the law. He argued that Kory was an accessory to the crime for willingly accepting the bribe of \$1,000 not to testify and it remained "inequality before the law in that one party to the offence (No. 6) was charged and not the other". The court ruled that sufficient evidence did exist and the defendant went to trial. He was found guilty on the first charge and sentenced to 12 months in the Halifax County Correctional Centre.

In relation to the second charge, the prosecution presented taped evidence obtained by police who were keeping surveillance on No. 6 in connection with the case of No. 1 at that time. They noted that a certain prostitute, Kim, frequented a local downtown tavern. It was discovered that this woman was living common-law with No. 6 and they had two children. Proof that the woman was working as a prostitute was obtained by police who listened outside the door of a room in the Citadel Inn where she and another prostitute were with a client. Further evidence included the testimony of another prostitute who once worked for No. 1. She testified that she had seen No. 6 take money from the woman with whom she lived. And, finally, No. 6 could not prove he had any other source of income.

No. 1 was found guilty and was sentenced to pay a fine of \$1,500 within one year. No. 6 was given direction to pay the fine through community service work on the Y.M.C.A. maintenance crew. However, he defaulted on the payment and consequently served six extra months in a correctional centre.

PIMP NO. 7

Pimp No. 7 also worked for Pimp No. 1. He was a black Halifax resident and 22 years old at the time of the first charge. He was charged with two offences. The first was laid in August of 1980 and was for "living on the avails of prostitution" (Sec. 195(1)(j)). He pleaded guilty to this charge and was sentenced to three months at the Halifax Correctional Centre. Evidence submitted throughout the trial revealed that Joan had been living with No. 7 from March to July of 1980. Before this time she had lived with another pimp who had introduced her to No. 7. During the four month period she worked for No. 7 she earned \$10,000, all of which was turned over to him. He used the money to pay the rent on their shared apartment and on drugs and alcohol for himself. Her sister testified that she often saw No. 7 take money from Joan. Joan testified that when she suggested she go to work at a regular day time job, No. 7 used physical and mental abuse to keep her working as a prostitute for him. When she came home with less money than he required, he would physically force her to go out and earn more. His brutal treatment towards her caused her to have a miscarriage. When Joan finally left No. 7, he threatened to slice her throat.

The second charge was laid against No. 7 in January of 1982 for "unlawful sexual intercourse with a female person not his wife (Mona), without her consent which was exhorted by threats of bodily harm" (Sec. 143(b)(i)). He went to court in June of 1982 for this charge and pleaded not guilty. The result was a hung jury. No. 7 appeared before the Supreme Court a second time in January of 1983 on the same charge and was found not guilty.

Evidence submitted indicated that Mona, the woman involved, had been drinking at a tavern one night in January 1982, No. 7, an acquaintance, offered her a ride home and she accepted. When they reached her house, he drove past claiming they were "just going for drive". Shortly afterwards, he stopped the car in a wooded area and tried to kiss Mona. She resisted but he climbed on top of her attempting to have intercourse with her. She opened the car window and screamed, but no one heard her.

Afraid that No. 7 would hurt her, Mona agreed to remove her pants and he had intercourse with her. After it was over, No. 7 started back for Dartmouth and Mona persuaded him to stop at a store where she could buy cigarettes. In the store, she asked the female clerk to call the police. The condition of her jeans and crumpled coat were presented as evidence of the forced intercourse.

No. 7's defence against this charge was based primarily on the nature of Mona's past sexual conduct. The fact that Mona had been involved with three other men of the same age and race as No. 7 was deemed pertinent to the case. In his

concluding statements, the judge said that "(Mona) therefore show(s) a predilection for bestowing her favours on a particular class of males which includes the accused". After saying this he went on to find No. 7 not guilty.

3. Summary Of Pimp Case Studies

Several patterns in the nature of pimp-prostitute relationships in Halifax are evident from a review of police files, Prothonotary court records, and interviews with individual police officers and community agency respondents.

First, in regards to the nature of the women procured for prostitution, all ranged in age 11 to 18 years when they were first procured. The majority of these women were caucasian and came from unstable family backgrounds. For example, they were runaways, came from broken homes, had alcoholic parents, had problems at school or had developed drug addictions at an early age. These young women reflected a sense of vulnerability easily recognized by a pimp.

The pimps also shared common attributes. Most had little or no high school education and were young (17-22 years old) when they first starting pimping. One social worker spoke to a 15 year old male youth who was already planning to "be a pimp when he grew up". All of the pimps documented in the court and police records were from local black families in Halifax. From discussions with various social workers it was found that they all grew up in the same lower class area of town often living in city housing. Without exception, all of these men have only known an impoverished, violent and criminal way of life. They have never seen positive role models for male/female relationships which likely explains "their sadistic sexual behaviour towards women" as one community agency respondent put it.

Pimps in Halifax use various ploys to procure and keep young women working for them. As the Supreme Court judge noted in the trial of Pimp No. 1, a "scheme of control" soon develops after the pimps make contact with women. The pimps provide the girls with alcohol, drugs, and new clothes, all under the guise of "love". In return, the women are expected to work as prostitutes, handing over all of their earnings. Some of these women come to believe they are in love with their pimp, thereby feeling committed to him emotionally.

If for some reason the condition should change, i.e., the level of control is diminished because a woman threatens to stop working for him, pimps often resort to threats of violence and coercion. If this does not result in compliance on her part he will not hesitate to carry out his threats. R.C.M.P. files cite several instances where women have been assaulted by their pimps with heated coat hangers, beer bottles, lit cigarettes and hot curling irons.

Another tactic of control used by the pimps in the case studies, was to drug the women and then take pictures of them in sexually compromising positions. These pictures were then used as blackmail to keep them working as prostitutes.

Instances of rape and abduction were also documented where women were locked in rooms, drugged and gang-raped.

Pimp No. 1 and the others in his organization knew no limitations to the means by which they procured a woman to work for them. An example of this is the extent to which No. 1 tried to maintain control. One Halifax police officer stated that they had been told by No. 1 that he had procured the daughter of his landlord to work as a prostitute. When the landlord tried to evict No. 1 in an effort to isolate him from the daughter, No. 1 took the landlord to the Nova Scotia Human Rights Commission claiming that he had in fact been racially discriminated against. No. 1 originally won the case but it was reviewed and overturned after No. 1 was convicted on the nine charges related to prostitution.

SUMMARY OF MAJOR FINDINGS

I. Profile Of Prostitutes

- . There is an estimated three female prostitutes to every one male prostitute working on the streets in Halifax and St. John's.
- . All of the prostitutes in escort and massage services are women.
- . The average age of street prostitutes is 21.6 years.
- . The average age range of escort and massage service prostitutes is 20-25 years.
- . Most prostitutes are caucasian.

Most street prostitutes are from the city they work in compared to escort and massage prostitutes who are predominantly from out of the province.
- . Male street prostitutes have attained a higher degree of education than female street prostitutes.
- . Some female street prostitutes are married and support children on their earnings. This is rarely the case with male street prostitutes.
- . The majority of female prostitutes define themselves as heterosexual whereas the majority of male prostitutes define themselves as homosexual or bisexual.
- . Twice as many male prostitutes as compared to females prostitutes in the sample were living with their parents while they were working as prostitutes..
- . Over half of the street prostitutes estimated they made less than \$20,000 in 1983.
- . Most street prostitutes were not employed at other jobs.
- . Of those street prostitutes who were employed, the majority were male.
- . Most street prostitutes grew up in one location over their childhood years.
- . More than half of the street prostitutes grew up with both parents.
- . Nearly two times the percentage of male street prostitutes of female street prostitutes are from single parent families.
- . The majority of street prostitutes come from low socio-economic backgrounds.

- . More than half of the street prostitutes recall continuous fighting in the family when growing up.
- . More than half of the street prostitutes recall alcohol or drug abuse by their fathers while growing up.

One third of the female street prostitutes compared to less than one tenth of the male street prostitutes, recalled sexual abuse as part of their childhood.

- . Most of the female street prostitutes who were sexually abused as children experienced it on a continuous basis compared to male street prostitutes who were sexually assaulted on one occasion.
- . One third of the prostitutes only recall happy childhood memories.
- . Most of the street prostitutes had run away from home at least once as adolescents.
- . The average age of the street prostitute's first sexual experience with a partner is 12 years.
- . More than half of the street prostitutes were first introduced to prostitution by a prostitute acquaintance or recruiter for a pimp.
- . The average age of street prostitutes when they turned their first trick was 16 years.
- . The majority of street prostitutes who turned tricks before the age of 16 were female.
- . The majority of both female and male street prostitutes described economic necessity as the motivating factor in their entrance to prostitution.
- . More than half of the street prostitutes had a criminal record for offences other than prostitution related charges.
- . Less than one in five of the prostitutes had been charged with a prostitution-related offence.
- . The majority of the prostitutes in the sample had incorrect or no knowledge at all of the evidentiary requirements necessary to convict them of soliciting.
- . All of the street prostitutes had intentions of leaving the life of prostitution, yet only one-fifth had any concrete ideas as to how to accomplish this.

II. Profile Of Customers

- . Customers of both female and male prostitutes are predominantly male.
- . Customers range in age from 21 years to 55 years. Customer's average age is 40 years.
- . Customers are predominantly caucasian.
- . Customers of street prostitutes are predominantly local men.
- . Customers of escort service prostitutes are predominantly out of town business men.
- . Local customers have mixed educational backgrounds.
- . Customers from other cities travelling on business tend to have completed high school and often have attended college or university.
- . Customers working on foreign ships often have not completed high school, attended college or university.
- . Most customers are married.
- . Most customers are believed to have children.
- . Local customers are a mixture of white collar and blue collar workers.
- . Customers from foreign ships are blue collar workers.
- . Customers in the city on business are white collar workers.
- . Customers who hire female prostitutes predominantly define themselves as heterosexual.
- . Customers who hire male prostitutes fall into two categories: one, those who lead a homosexual lifestyle, and two, those who lead a heterosexual lifestyle but are privately homosexual.
- . The customers in the sample had their first sexual encounter with a prostitute at an average age of 21.5 years.
- . The initial motivation of the customers in the sample was loneliness, curiosity or the inability to make sexual contact with non-prostitute women.
- . Most customers do not have a criminal record.
- . No customers had been charged with a prostitution-related offence.

- . The average customer does not differ demographically from the average man who does not hire prostitutes.
- . The majority of the customers in the sample had incorret or no knowledge at all of the evidentiary requirements necessary to convict someone of soliciting.

III. Profile of the Controllers of Prostitutes

- . Street pimps and managers of on-premise massage services are all male.
- . Madams of off-premise escort services are all female.
- . Pimps range in age from 17-34 years.
- . Madams and managers of escort and massage services range in age from 32-74 years.
- . All of the pimps who were identified were black.
- . All of the madams and managers of escort and massage services are caucasian.
- . The majority of controllers of prostitutes originate from the area they work in.
- . Only in Halifax, do street pimps play a major role in prostitution.
- . Madams and managers of escort and massage services live apart from the prostitutes they employ whereas pimps often reside with one or more of the prostitutes working for them.
- . All of the madams of escort services were at one time prostitutes.
- . Madams of escort services work full-time at running the services and in all cases have continued to work as prostitutes in their own businesses.
- . Less than 10% of the pimps who controlled the female prostitutes in the sample had been charged with a prostitution-related offence.

IV. The Business Of Prostitution

1. Working Conditions

- . Almost two thirds of all street prostitutes had been physically assaulted while working.
- . Pimps pose the greatest threat of physical assault to female street prostitutes.
- . Customers pose the greatest threat of physical assault to male street prostitutes and the second greatest threat to female street prostitutes.
- . Customers pose the greatest threat of sexual assault to female street prostitutes.
- . Female prostitutes are in greater danger of being physically and sexually assaulted than male prostitutes.
- . The majority of street prostitutes had not contacted a sexually transmitted disease as a result of their work.
- . More than half of the female street prostitutes had some gynaecological problems resulting from working.
- . Less than one third of all street prostitutes reported harassment by police.
- . Almost half of the street prostitutes use alcohol or drugs while working to cope with the work.
- . Escort and massage service prostitutes are required by management to refrain from drinking or using drugs while working.
- . There are very few nuisances associated with street prostitution in St. John's.
- . There are several nuisances associated with street prostitution in Halifax. These include:
 - a) noise by participants,
 - b) female residents mistaken by customers as prostitutes,
 - c) public assaults of prostitutes,
 - d) traffic problems.
- . There has been a substantial increase in the number of visible female street prostitutes in both Halifax and St. John's.
- . Street prostitutes utilize both community health facilities and private doctors.
- . Most female street prostitutes do not use any form of birth control.

- . Escort service prostitutes use private doctors.
 - . Half of the street prostitutes have worked in other cities.
 - . All escort and massage service prostitutes have worked in several cities on a circuit.
 - . The majority of the female street prostitutes did not like their work.
 - . The majority of the male street prostitutes liked their work.
2. **The Nature of the Transaction**
- . Customers actively approach prostitutes for their services whether by telephone, in bars, in massage establishments or on the street. The prostitute, except in rare cases on the street - remains passive and waits for the customer to approach her.
 - . Half of the customers drink or smoke marijuana immediately prior to hiring a prostitute.
 - . Customers base their selection of prostitutes primarily on their appearance.
 - . Prostitutes refuse or agree to take customers on the basis of their appearance and their ability to pay.
 - . Customers from out of the city usually have a hotel room and hire escort service prostitutes to come to their rooms.
 - . The sexual encounter between street prostitutes, local customers and customers off foreign ships, takes place in vehicles or on the ships.
 - . Oral sex is the most frequently requested act of both street, escort and massage prostitutes.
 - . The most common explanation given by customers and prostitutes for why customers routinely buy sex is that they are unfulfilled in their personal sex lives.
 - . Some customers use pornography during sexual encounters with prostitutes to stimulate themselves, the prostitute, or to act as a guide for the act itself.
 - . Most of the street prostitutes had been approached to pose for pornographers.
 - . The vast majority of all prostitutes are paid before the sexual act takes place.
 - . More than three quarters of street prostitutes had an average of eight regular customers.

- . Most customers frequented prostitutes on a monthly basis.
- . Customers who travel hire prostitutes in several cities.
- . It is rare for female street prostitutes to move into escort or massage service prostitution.

3. The Economic Transaction

- . The annual income of female street prostitutes who work for pimps is less than one third of that of female freelance street prostitutes.
- . Female freelance street prostitutes work twice as many hours on an average night as male street prostitutes.
- . Female freelance street prostitutes turn twice as many tricks on an average night as male street prostitutes.
- . Female freelance street prostitutes make .51¢ for every \$1.00 their male counterparts make.
- . Street pimps have an average of two prostitutes working for them.
- . Street pimps take over 4/5 of the earnings of each prostitute they have working for them.
- . Street pimps make ten times the annual income of the female prostitutes who work for them.
- . Escort service prostitutes work twice as many hours and turn three times the number of tricks that the female freelance street prostitutes do.
- . Male street prostitutes make twice as much per trick as the highest paid female prostitutes who are in escort services.
- . Madams and managers of escort and massage services have an average of four prostitutes working for them.
- . Madams and managers of escort and massage services take 2/5 of the earnings of each prostitute they have working for them.
- . Madams and managers of escort and massage services make three times as much as the prostitutes who work for them.
- . Pimps take twice as much of the earnings of their prostitutes as madams and managers of escort and massage services take.
- . On average, street prostitutes in Halifax work longer hours and turn more tricks per night than street prostitutes in St. John's.

- . The average hourly income of Halifax street prostitutes is one third higher than that of St. John's street prostitutes.
- . Street prostitutes sometimes accept goods or favours as payment for their sexual services.
- . Street prostitutes do not file income tax on their earnings from prostitution.

V. THE LEGAL CONTROL OF THE BUSINESS OF PROSTITUTION

- . An average of six prostitution-related charges were laid by police per year in Halifax from 1976-1984.
- . No prostitution-related charges have been laid prior to 1984 in St. John's, Newfoundland.
- . Charges of soliciting have steadily decreased over the last three years in Halifax.
- . Halifax and Dartmouth had municipal by-laws in place for a three week period over 1982-1983. No charges were laid in Dartmouth. The majority of charges laid in Halifax were against prostitutes. No convictions resulted due to the precedence of the Westendorp case.
- . All charges, both criminal and municipal have been laid solely against female prostitutes in Halifax.
- . There is no major evidence of street prostitution in Dartmouth, Saint John, Fredericton, Moncton, Charlottetown, Summerside or Gander. For this reason, legal control initiatives have not been necessary in these cities.
- . Escort and massage services have been steadily increasing in number in Halifax since 1974 and in St. John's since 1979. Investigations into these services by police have been prompted by complaints from the public, information that they have involvement with other criminal activities or the involvement of Revenue Canada. Otherwise, this form of prostitution is tolerated by formal control agencies in the Atlantic provinces.

**VI. THE GENERAL ATTITUDES OF THE PARTICIPANTS,
THE PUBLIC AND THE CONTROL AGENCIES**

- . Prostitutes and customers alike define prostitution as "sex for money".
- . Prostitutes and customers alike saw the conditions surrounding street prostitution such as sexually-transmitted disease, violence, and drug addiction and the involvement of juveniles as major problems.
- . Community agency respondents and police saw prostitution as a problem in Halifax, but those in St. John's did not.
- . The majority of prostitutes and customers favoured legalization.
- . The majority of community agency respondents favoured decriminalization.
- . Police in most cities favoured stricter criminal sanctions or decriminalization. Of those who favoured decriminalization they felt an enforceable municipal by-law would be effective in controlling the nuisances associated with street prostitution.
- . The vast majority of prostitutes and customers were firmly against juveniles working as prostitutes.
- . Community agency respondents and police in Halifax and St. John's all knew of juveniles participating in prostitution and felt this to be one of the primary issues that has to be addressed in the public debate on prostitution.
- . All of the participants and informants knew of instances when services set up to suit the needs of prostitutes would have been useful. The types of services suggested were emergency hot lines, emergency medical/drug clinics, hostels set up for protection against pimps, job training and counselling.

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"Whether our reformers admit it or not, the economic and social inferiority of women is responsible for prostitution."

Emma Goldman, 1911

APPENDIX

LITERATURE SEARCH
HALIFAX/ST. JOHN'S

Atlantic Institute of Criminology, Halifax

City Council and City Solicitor's Archives, Halifax

Dalhousie University, Halifax

- University Library
- Law Library
- Psychology Department
- Sociology Department

Department of Social Services, Halifax

- Library
- Child Abuse Registry
- Family and Children's Services Division

Halifax City Library, Halifax

Maritime School of Social Work, Halifax

Memorial University Library, St. John's

Mount St. Vincent University, Halifax

- Library
- Women's Studies Department
- Social Anthropology Department

Public Archives of Nova Scotia, Halifax

St. Mary's University, Halifax

- Library
- Psychology Department
- Sociology Department

St. John's Public Library, St. John's

Women's Information, Resource and Referral Service

PROSTITUTION RELATED OFFENCES

January 1976 - February 1984

<u>1976</u>	<u>DATE</u>	<u>OFFENCE</u>	<u>KNOWN OUTCOME</u>	<u>DETAILS</u>
Feb 15		Procuring (Sec. 195(1)(a))	Released on bail,pled guilty next day 1 charge against 1 woman	Six female prostitutes, average age 22, were watched and followed by police from their homes to various private addresses, businesses, hotels and motels in the Hal- ifax/Dartmouth area. They were driven by same taxi company and the accused's son.
Nov 23		Report of a prosti- tution ring. Recorded for infor- mation only.	Case concluded	
-		Inmate of common bawdy house (Sec.193(2)(b))	No information available	
<u>1977</u>				
-		Procuring (Sec.195(1)(a))	No information available	
<u>1978</u>				
Sept 19		Keeping a common bawdy house (Sec.193(2)(c))	Charges laid	Male plainclothes officer requested a room at a local hotel suspected of having an involvement with prostitution. Clerk at the desk said it would take awhile, but that a woman could be arranged waiting for him in the room at a specified time. The officer agreed, a room receipt was made out, the clerk made a phone call and marked bills were transferred. A percentage of the cost of the room went to the clerk. The prostitute came in half an hour at which time the charges were laid.

(1979 CONT'D)

<u>DATE</u>	<u>OFFENSE</u>	<u>KNOWN OUTCOME</u>	<u>DETAILS</u>
Sept 03	Procuring (Sec.195(1) (a))	No information available	Father of 16 year old female reported his daughter was approached by 56 year old man for whom she baby sat to "pose for magazines." He told her she would make \$250-\$300 a week because of her body, which he said was "like a 25 year old." Daughter reported hearing telephone conversation between accused and unidentified party in N. Y. about her. He told her not to tell anyone because he worked for people who would kill her. Later he openly asked her to become a prostitute and work for him.
-	Procuring (Sec.195(1) (a))	No information available	From this point, only the age of the prostitute will be given. The scenarios are all similar to 1978 Sept 20, soliciting charge cited above.
Sept 06	Soliciting (Sec.195.1)	Charges laid	18 year old female
Sept 07	Soliciting (Sec.195.1)	Charges laid, pled not guilty	21 year old female
Sept 08	Soliciting (Sec.195.1)	Charges laid, pled not guilty	18 year old female
Sept 10	Soliciting (Sec.195.1)	Charges laid	No information available
Sept 13	Soliciting (Sec.195.1)	Charges laid	16 year old female

1980DETAILSKNOWN OUTCOMEOFFENCEDATE

No information available

Procuring
(Sec.195(1)(a))

21 year old female

Soliciting
(Sec.195.1)

Apr 25

Charges laid

21 year old female

Apr 26

24 year old female

Apr 26

23 year old female

Apr 26

18 year old female

Apr 27

-

27 year old female

Apr 29

19 year old female

Apr 30

19 year old female

Apr 30

24 year old female

May 01

21 year old female

May 02

Man complained that after requesting a "legitimate" dinner escort from an escort service, the female escort propositioned him for sex.

Report for information
only on escort service

Case closed

July 29

18 year old prostitute requested to talk to police. She told them she had been working for a pimp from Oct. 26 to Nov. 01 of that year. During this 6 day period, she made \$1500, all of which went to him. He had threatened to hurt her if she left him. She became scared and told police.

No information

Living off the
avails (Sec.195(1)
(j))

Dec 10

(1980 CONT'D)

<u>DATE</u>	<u>OFFENCE</u>	<u>KNOWN OUTCOME</u>	<u>DETAILS</u>
Dec 10	One "other prostitution related offence"	No information available	
<u>1981</u>			
Feb 04	Report for information only of disturbance	No charges laid	Hotel in area known for prostitution complained of pimps and prostitutes frequenting lobby bar and threatening the staff.
Oct 13	Keeping a common bawdy house (Sec.193.2 (c)) & directing the movement of women (Sec. 195.1)(h))	Charges laid. Fined \$300 & \$100	Local motel was investigated.
Oct 16	Keeping a common bawdy house (Sec.193.2)	Charges laid - fines	Local motel was investigated.
Oct 21	Procuring (Sec.195(1)(a))	2 charges laid against one female & one male	Five prostitutes, average age 23 years, were watched and followed.
Oct 13	Procuring (Sec.195(1)(a))	Charges laid	Local hotel was investigated.
<u>1982</u>			
Jan 13	Living off the avails of prostitution (Sec.195(1)(j))	Charged	20 year old prostitute reported she had been assaulted and threatened with a gun by her pimp when she had tried to leave him. Over a 3 month period, she made \$4000 most of which went to him. He claimed she could be free if she paid him \$3000. The woman reported all of this to police when she began to fear for her three children.

(1982 CONT'D)

<u>DATE</u>	<u>OFFENCE</u>	<u>KNOWN OUTCOME</u>	<u>DETAILS</u>
Mar 25	Procuring (Sec.195(1)(a))	Cleared otherwise. No charges laid	A local high school principal reported three grade 8 girls had been approached by a 15 year old male to "work for him". When they refused, he followed them and threatened them with a knife.
Jun 09	Living off the avails of prostitution (Sec.195(1)(j))	Charges laid. Found guilty. Sentence was 2½ years in a Federal penitentiary.	After some time, police convinced a 17 year old female to press charges against her 24 year old pimp. Over a six month period, she estimated she made \$15,000, all of which went to him. Once in awhile, he would buy her a piece of clothing. On several occasions, she was beaten with a belt for not bringing in enough money for him.
Sept 29	Procuring (Sec.195(1)(a))	No information available	20 year old female brought into emergency ward after being attacked by two pimps. One attacked her with a knife and the other had slapped and choked her in an effort to force her to make \$300 that night. She was threatened that she would "be in the harbour by the end of the night" if she didn't agree.
Nov 03	Living off the avails of prostitution (Sec.195 (1)(j))	Charges laid	As a result of a missing persons report made in Halifax and circulated throughout the east coast and Quebec, it was found that a Halifax pimp had sent 2 young females (ages unspecified, one of whom was the missing person) to Montreal to work for another pimp as repayment of a \$3000 debt he had with him. The Montreal pimp was charged in Montreal of six counts of living off the avails of prostitution and the two girls were sent home to Halifax.

(1982 CONT'D)

DATE	OFFENCE	KNOWN OUTCOME	DETAILS
Nov 25	Living off the avails of prosti- tution (Sec.195(1) (j))	Charges of common assault were laid	Two plainclothes officers witnessed a well-known Halifax pimp assaulting a female prostitute in a public area on the street. The woman would not give evidence or agree to lay charges. On another separate occasion, after hearing her screams, officers took her to the station. The pimp followed and was taken into custody. That night she had left him and he wanted her back.
1983			
Mar 01	Living off the avails of prosti- tution (Sec.195(1) (j))	Charges laid. Dismissed in court.	21 year old prostitute made contact with Morality officers because she wanted to "turn in" her 20 year old pimp. She had met him in Montreal in their Grade 9 class and they had moved to Halifax together the year before. She had been working for him for approximately 10 months and during this period, she made \$20,000, all of which she turned over to him. He had been unemployed and living off her earnings. On several occasions, she had received beatings for not bringing in her quota.
Aug 12	Soliciting (Sec.195.1)	No charges laid	Male plainclothes officer in a parked car was approached by a 31 year old female prostitute to "have some fun". She was arrested. Police were advised by the Crown Prosecutor to lay no charges because there was insufficient evidence of persistence present.
Oct 14	Procuring (Sec.195(1)(a))	Charges laid. Owner got \$1503.00 fine or 1 month. Employee got \$1003.00 or 1 month.	Local escort service owned by a 38 year old woman was investigated. One woman working for her was also charged. 10

<u>DATE</u>	<u>OFFENCE</u>	<u>KNOWN OUTCOME</u>
Nov 14	Attempting to procure (Sec.195(1))	No charges laid. Insufficient evidence.
Dec 12	Procuring (Sec .195(1) (a)	Charges laid.
<u>1984</u>		
Jan 09	Soliciting (Sec.195.1)	No charges laid
Jan 12	Report of Soliciting for information only.	No charges laid. Insufficient evidence.
<hr/>		
49 charges laid in total		
59 female prostitutes documented in total		

DETAILS

Young female prostitute reported another female prostitute trying to procure her for her man. When she refused, she was threatened with being beat up. The accused offered her protection and an apartment in return for half of all her earnings. Still refusing, she was told to stay out of the area.

Two pimps, aged 20 and 17, forced the complainant to work and give all her money to them. Over a 3 week period, this was estimated to be \$2000. This information was found as the result of an investigation into another similar case.

A female, not working as a prostitute, reported being approached by a man in a car who had circled the block several times. He asked her if she wanted to make \$50.

Complaints were received by hotel staff from patrons that a local escort service had been slipping cards under hotel room doors with handwritten phone numbers on them. It was suggested by police that if the prostitute were found on the premises, she could be charged under the Protection of Properties Act.

HALIFAX STREET ORDINANCE #3

The Halifax City Solicitor's Office provided the following information in March 1984.

The by-law was in effect from December 20, 1982 to January 14, 1983. During this time 23 charges were laid; 5 were against customers and 18 were against prostitutes (15 females and 1 transexual). 10 guilty pleas were entered and the earliest trial date set was February 14, 1983. No cases ever reached the court because of the Westendorp decision in Calgary in January, 1983 which rendered a similar municipal by-law unconstitutional.

Of the five customers charged, four were from the Halifax and Dartmouth area and one was from Ontario. The average age of these men was 46 years. All were married and none of them had criminal records.

Of the 16 prostitutes charged, all were from the Halifax and Dartmouth area and were known to the police as prostitutes. The average age was 22 years. The following case study describes a typical scenario involving the charging of a customer:

A plainclothes policewoman, wired with a body pack so that her co-officers could listen in on her conversations, was walking slowly along "the stroll" on Barrington Street. At 10:30 p.m. the accused driving a van, circled the block and came back and stopped the vehicle beside her along the curb. He leaned down to look at her out the passenger window. She walked over to the car and he said, "Hi" and she responded by saying "Hi" back and opening the door. He asked "How much?". She quoted prices and he offered her \$20.00. At this time, the police officer identified herself and brought him to the station. His statement was, "I was just driving around."

On the following page is a copy of the Halifax Street Ordinance #3.

BE IT ENACTED by the City Council of Halifax that Ordinance 3, the Streets Ordinance for the City of Halifax as enacted and approved by the Minister of Municipal Affairs on November 29, 1976 and subsequently amended, be and the same is hereby amended as follows:

1. Section 61 of Ordinance 3 is amended by deleting the word "ten" in the fifth line thereof and substituting therefor the words "five hundred".
2. Ordinance 3 is amended by renumbering Section 61 to Section 62.
3. Ordinance 3 is hereby amended by adding a new Section 61 as follows,
 - (1) In this section
 - (a) "offering" includes but is not limited to the holding out, proposing, making available or expressing willingness to participate in a sexual service with a person for payment
 - (b) "prostitution" means the sale or offering for sale of sexual services and includes the purchase or offering to purchase sexual services
 - (c) "sexual services" include but are not limited to activities of a sexual nature for amusement, gratification, pleasure, stimulation, titillation or otherwise of any person.
 - (2) No person shall be or remain on a street for the purpose of prostitution.
 - (3) No person shall approach another person on a street for the purpose of prostitution.

NOTICE OF MOTION: July 15, 1982

FIRST READING: July 29, 1982


COMMITTEE OF THE WHOLE: August 18, 1982

SECOND READING: August 26, 1982

APPROVAL OF MINISTER OF MUNICIPAL AFFAIRS: November 26, 1982

WE HEREBY CERTIFY THAT THE FOREGOING ORDINANCE NUMBER 3 OF THE CITY OF HALIFAX, RESPECTING "STREETS" WAS READ AND PASSED A FIRST AND SECOND TIME AT CITY COUNCIL MEETINGS HELD ON JULY 29, 1982 AND AUGUST 26, 1982, RESPECTIVELY.


MAYOR


CITY CLERK

ORDINANCE NUMBER 3STREETSOPENING IN STREETS

Deposit on
Permit for
Excavation

1. Every person to whom any permit is granted to make any opening or excavation in any street, shall first deposit with the City Treasurer the sum of ten dollars, the receipt for which shall be delivered to the Commissioner of Works and City Engineer before the permit is issued. Such deposit shall be retained as a guarantee that the applicant will properly perform and complete the work for which the permit is granted and keep the surface of the street where such work is done in good condition, to the satisfaction of the Commissioner of Works and City Engineer, for six months from the date of the permit. If the Commissioner of Works and City Engineer is of the opinion that the work is not being properly performed, or the surface of the street not kept in good condition, he may, without notice to the applicant, perform such work in respect to the work or street as he considers necessary and the cost of any such work so done by the Commissioner of Works and City Engineer shall be deducted by him from the amount deposited, and the balance (if any) returned to the owner at the end of six months. If the cost of such work exceeds the amount deposited, the balance may be recovered from the applicant by the City by action.

Emergency
Permit

2. The Commissioner of Works and City Engineer may issue to any gas company or other company for a case of emergency, an emergency permit which shall permit excavation to be made on such conditions as the Commissioner of Works and City Engineer specifies on the permit.

Excavation
Under
Sidewalk

3. Every excavation under a sidewalk shall, after one week's notice to that effect given by the Committee on Works (In this ordinance referred to as the Committee) be closed and filled up by the owner or occupier of the premises abutting on such sidewalk, and if not so closed and filled up within ten days after such notice, may be closed and filled up by the Commissioner of Works and City Engineer at the expense of the owner or occupier.

Excavations
to be
granted

4. Every person obtaining a permit to make any excavation or opening in or near any street shall at night sufficiently and continuously light the same and shall in addition, enclose or secure the same by a fence or barrier at least three feet in height, and sufficient to protect the public from injury.

Limit of
Excavation

5. No person shall make any permanent excavation under the surface of any street, the movable covering of which extends further into the street than to a line three feet from the street line, and then only by permission in writing from the Commissioner of Works and City Engineer and on such conditions as he names in the permit: Provided, however, that coal-hole tops may be located near the curb and that transparent coverings used for purposes of lighting only and permanently secured may extend five feet from the street line.

6. (a) The owner of any property situated within the Building District as defined in the City Charter, in front of which any permanent excavation is made, shall pay to the City therefore on the first day of May in each year an annual rental of ten (10) cents for each square foot of the area of the street occupied by the excavation and not in any case less than five dollars for each year.

(b) In any other part of the City, the owner of the property in front of which such excavation is made shall pay an annual rental for such excavation of five (5) cents per square foot of the area of the street occupied and not in any case less than \$2.50 for each year. Such rental shall be payable in advance on the first day of May in each year.

Trap Door

7. No person shall build or place any movable trap or door in any street for the purpose of entrance to a cellar or other premises, without first obtaining the permission of the Commissioner of Works and City Engineer.

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- Apertures
Permit for
8. No person shall make any opening in any street for the purpose of a coal-hole or other receptacle, or for light or air, or for entrance to any building or other purpose whatever, without a permit from the Commissioner of Works and City Engineer and upon the terms set out therein, and such permit shall be exhibited on request to any police officer, or to any other person authorized by the Commissioner of Works and City Engineer in writing, to demand inspection of the permit.
- Engineer
9. The Commissioner of Works and City Engineer may, upon the application of any person, construct any coal-hole, grating or aperture, in any sidewalk in such manner and of such material as he deems suitable, and the cost thereof shall be paid by the applicant.
- Gratings
10. No person shall place or maintain a grating in any street unless the location plan and material thereof, have been approved by the Commissioner of Works and City Engineer.
- Descending
slips
11. No person shall maintain any entrance to any property by steps descending immediately from or near to a street unless the same is securely guarded.
- Apertures
to be
guarded
12. (1) Every owner or occupier of any building having connected therewith any aperture in any street shall keep such aperture securely covered or guarded in such manner and with such material as the Commissioner of Works and City Engineer directs, and every such cover or guard shall be constantly kept on a level with the sidewalk and in good repair, and every such aperture shall be kept closed except when in immediate use, and such use shall be only in the daytime; and such aperture when open shall be in charge of some competent person to warn passers by.

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(2) If any such owner or occupier fails to keep any such aperture securely guarded and in good repair, and level with the sidewalk, the engineer may, at his option, close the said aperture, or may put the same in good condition and repair and the cost of so doing may be recovered from him by the City by action and in addition thereto, he shall be liable to a penalty as hereinafter provided.

Penalty

13. Every person who contravenes or fails to comply with any of the foregoing provisions of this ordinance with respect to openings in streets, shall for each offence be liable to a penalty not exceeding two thousand dollars and in default of payment to imprisonment for a period not exceeding thirty days.

OBSTRUCTION ON STREETS

Obstructions
Prohibited

14. Except as is by the City Charter or this Ordinance otherwise provided, no person shall place or cause to be placed any encumbrance or obstruction upon any street whereby the public are prevented from free and uninterrupted use of the same.

Engineer
may close
street temporarily

15. The Commissioner of Works and City Engineer, may temporarily close any street or part thereof, while any work is being done thereon, or when it is advisable for other reasons to close the same, and may for that purpose erect bars or other impediments to traffic.

Barriers
not to be
inter-
fered with

16. Whenever the Commissioner of Works and City Engineer puts up any bars or fences to close any street for any purpose, no person shall interfere with the same, or travel or attempt to travel, or drive any vehicle along the street so closed without permission of the Commissioner of Works and City Engineer, and every person who so travels or attempts to travel, or drives any vehicle shall be liable to a penalty as hereinafter provided.

Encroach-
ments
Prohibited

17. Except as is hereinafter otherwise provided, no person shall place on any street, any step, porch, bay window, balcony, fence, railing, or other structure which in any way encroaches on such street, and any such structure so placed shall be removed by the owner of the property to which the same is attached within ten days after notice to that effect from the Commissioner of Works and City Engineer and on failure to make such removal the Commissioner of Works and City Engineer may remove the same and the cost of removal may be recovered from such owner by the City by action, and in addition, the owner shall be liable to a penalty as hereinafter provided.

Buildings
not to be
moved on
street
without
permit

18. No person shall remove, or cause to be removed any building upon any street without having first obtained permission in writing of the Commissioner of Works and City Engineer and such permission shall be upon such terms as the Commissioner of Works and City Engineer determines.

Building
Materials
On Streets

19. Any person may by permission of the Commissioner of Works and City Engineer, place on any street materials for building, and erect an enclosure to protect the same and may continue such enclosure for such period as the Commissioner of Works and City Engineer directs. Every person placing such materials or erecting such enclosure without such permission or otherwise than as therein directed, or continuing the same for a longer period than therein prescribed, or after being directed to remove the same shall be liable to a penalty as hereinafter prescribed.

Passage
required
round
obstruction

20. Every person receiving a permit to occupy part of a street for building purposes, or for repairing any building or making any excavation, or for any other purpose, shall provide a safe and convenient passage around, under or over the obstruction so placed satisfactory to the Commissioner

of Works and City Engineer and shall be responsible for any injuries sustained by any person in consequence of his neglect so to do, and shall at any time, when requested by the Commissioner of Works and City Engineer, exhibit his permit to make such obstruction or excavation.

Scaffold-
ings

21. Any person may, by permission of the Commissioner of Works and City Engineer, erect a scaffolding for repairing any building. Such permission shall be in writing and shall specify the terms and conditions on which such scaffolding without having first obtained such permission or otherwise than as is therein directed, or continues the same for a longer period than is therein prescribed, or after being directed to remove the same shall be liable to a penalty as hereinafter prescribed.

Signs

22. No person shall place or maintain any sign-post or sign, which extends over any street to an extent greater than permitted by law.

Awnings

23. No person shall place or maintain any awning which extends over any street unless a plan of the same is first submitted to and approved by the Commissioner of Works and City Engineer, and the Commissioner of Works and City Engineer, may at any time revoke such permission. No such awning shall be less than seven feet from its lower edge above the street. If the owner or occupier of any premises upon which any such awning has been placed without such permission and approval fails to remove the same after fourteen days' notice from the Commissioner of Works and City Engineer may cause the same to be removed. Any person placing any such awning without such permission and approval

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or failing to remove the same when so directed or obstructing any civic official removing the same or any projecting sign-post or sign shall be liable to a penalty as hereinafter provided.

Goods and Signs on Streets Prohibited	24. No person shall place upon any street for sale or show any goods, wares or merchandise, or any signboard or advertising board.
Suspended Goods	25. No person shall place, suspend, or expose from any building, any goods wares or merchandise so that the same extend from the wall or such building more than six inches towards or into any street.
Limit for Instructions	26. No person shall place on any street any article or permit the same to remain thereon, so as to obstruct the free passage of such street for a longer period than is necessary to remove the same to or from any building or premises fronting on such street.
Penalty	27. Every person who contravenes or fails to comply with any of the foregoing provisions of this Ordinance in respect to obstructions on streets, shall for each offence be liable to a penalty not exceeding two thousand dollars and in default of payment to imprisonment for a period not exceeding ten days.
<u>THE MAINTENANCE & CARE OF STREETS</u>	
Vehicles, etc. prohibited on Sidewalks	28. (1) No person shall intentionally and unnecessarily drive any vehicle upon a sidewalk, or roll or place any heavy articles over the same, to the injury or obstruction thereof. (2) Where any street has been partly covered with sod by the City, no person shall walk upon the part of the street so covered.

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(3) Where any sidewalk has been in part covered with sod, the occupier of the premises adjoining such sidewalk or if the property is not occupied, the owner thereof, shall keep the part of the sidewalk so sodded close clipped, clean and in good order.

Horses not
to go on
Sidewalks

29. The driver or rider of a horse shall not permit the horse to go upon any sidewalk or on any portion of a street which has been covered with sod or grass and in any prosecution, the burden of proof that the horse was not so permitted or that he could not have been prevented from so going by proper action on the part of the driver or rider, shall be on the accused.

Injuries
to
Sidewalks

30. Whenever any sidewalk has been broken or otherwise injured in consequence of the erection of any building, or any repairs to a building, the Commissioner of Works and City Engineer may serve notice in writing upon the owner of the Building requiring him to repair such injury within forty-eight hours from service of the notice; and if the owner fails to make such repairs within such time the Commissioner of Works and City Engineer may cause the same to be done at the expense of the owner and the cost thereof may be recovered by the City by action.

Sidewalks
to be
protected

31. No person shall dump, unload, deposit or move any coal or heavy articles upon any concrete or asphalt sidewalk unless such sidewalk has been first protected by boards not less than one inch thick, and placed close together over the surface where such coal or heavy article is to be deposited.

Sidewalks
and Gutters
to be Kept
Clean

32. Every occupier of any premises shall keep the sidewalk and gutter in front of the same free from dirt and nuisance of every description.

Handbills
not to be
scattered

33. No person shall distribute any handbills or other papers by scattering the same on any street.

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- Transportation of loose Materials 34. No person shall cart or transport in any way, on any street, any sand, stone, earth, dirt, manure, or rubbish, or any loose fluid or semi-fluid in such a manner that any portion of the same may be spilled or scattered on the street, and no person shall draw on any street any timber or other heavy article in such a way that the same, or any part thereof, drags on the street.
- Lime-slaking 35. No person shall slake, riddle, mix with sand, or otherwise prepare lime on any street, except by permission in writing from the Commissioner of Works or City Engineer.
- Hoisting or Lowering of Goods Prohibited 36. No person shall, on any street raise or hoist, any goods into any door or window or any upper store, or lower or throw down any goods from such door or window.
- Waste Matter to be Deposited in Boxes 37. No person shall deposit any paper, shavings, or other waste material, ashes, garbage, or rubbish of any description upon any street except in a barrel, box or other receptacle, so as to prevent the same being scattered there to remain until removed by the ash carts. No such barrel, box or other receptacle shall be placed in the street otherwise than at the edge of the sidewalk nearest the gutter, or at any time after the time at which, by direction of the Commissioner of Works and City Engineer, the ash carts are to call for the same. No such barrel, box or other receptacle shall be filled higher than four inches below the level of its top.
- Materials not to be thrown from Roofs 38. No person shall throw any shingles, boards, slats, sand, gravel, tar or other material whatsoever from any roof or scaffolding upon any street, but the same shall be lowered in chutes or by a tackle in such manner as not to affect the safety and convenience of the public.

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- Washing
Windows
39. Repealed; M.M. Affairs Approval March 16, 1982 (1st Reading: Jan. 25, 1962; 2nd Reading Feb. 15, 1962.
- Private
Bridges
Permit
Required
40. No person shall construct across any drain, gutter or watercourse on any street a bridge of any description without having first obtained a permit in writing therefore from the Commissioner of Works and City Engineer specifying the nature of the bridge and the other terms and conditions on which the same may be constructed. A permit to construct on any such bridge may be refused in any case in which a curb and gutter have been placed in front of the premises intended to be reached by the bridge and any bridge at any time constructed may be directed by the Commissioner of Works and City Engineer to be removed when a curb and gutter have been so placed.
- 40A. Wherever a building or any premises is used for the purpose of a garage or stable, the owner shall provide a driveway thereto, constructed of such materials and in such manner as is approved by the Commissioner of Works and City Engineer across any parked sidewalk in front of such premises.
- Penalty
41. Every person who contravenes or fails to comply with any of the foregoing provisions of this Ordinance with respect to the maintenance and care of streets shall, for each offence, be liable to a penalty not exceeding ten dollars and in default of payment to imprisonment for a period not exceeding ten days.

REMOVAL OF SNOW & ICE

- Snow
Removal
42. The owner, agent, lessee or occupier of any premises in the City of Halifax, shall remove from the sidewalk which lies upon any side of the lot upon which such premises are situated and

from any pathway leading from such sidewalk to the gutter, and if there is no sidewalk lying upon a side or sides of such lot but the lot upon which such premises are situated is bounded on any side by a street, than from the portion of such street abutting upon such lot to a width of five feet from the boundary line of such lot, any snow which may have fallen thereon as hereinafter provided. In the case of any unoccupied lot such snow shall be removed by the owner or the person having charge of such lot.

City to
Remove
Snow from
City Property

43. The City shall remove the snow from the sidewalk which lies upon any side of any lot upon which is situated premises owned or occupied by the City and if there is no such sidewalk, then from the portion of any street which abuts upon the lot which such premises are situated in the manner provided in the preceding section thereof.

Ten Feet
only to be
cleared

44. If the sidewalk is of greater width than twelve feet, it should not be necessary to clean a space wider than ten feet from the front line of the property, exclusive of the gutter.

Times for
Removal

45. The snow which falls or accumulates during the day (except Sunday) before four o'clock in the afternoon shall be removed within two hours after the same has fallen or accumulated. The snow which falls or accumulates on Sunday and after four o'clock of the afternoon and during the night on other days, shall be removed before ten o'clock on the following morning.

Snow from
Roof

46. No person shall throw into any street the snow from the roof of any building without proper precautions to prevent injury to persons on the street and any snow so thrown shall be properly levelled on the street so as not to interfere with traffic.

Or from
Yards

47. Every person who removes any snow from any yard or other premises on to any street shall properly level the same so as not to interfere with traffic.

Icicles

48. No person shall permit icicles to accumulate on the eaves or gutters of any building owned or occupied by him as to become dangerous to persons passing on the street.

48A. The owner, agent, lessee, or occupier of any premises in the City of Halifax, shall, whenever the sidewalk which lies upon any side of such premises is in a dangerous condition arising from the presence of ice thereon, place ashes, sand, calcium chloride, common salt or a mixture of these materials upon such sidewalk. The amount to be so placed shall not exceed the minimum quantity required to remedy the dangerous condition.

Penalty

49. Every person who contravenes or fails to comply with the provisions of this Ordinance respecting the removal of snow or ice shall for every such offence be liable to a penalty not exceeding twenty-five dollars and in default of payment to imprisonment for a period not exceeding ten days. Every day that snow is allowed to remain after the first twenty-four hours shall constitute a fresh offence.

PREVENTION OF DISORDER OR IMPROPRIETY

Immoral
Posters
Prohibited

50. No person shall post up or exhibit in any street any indecent or immoral placard, writing or picture, or shall put up or exhibit any picture of the human form in the nude or semi-nude condition, or shall perform any indecent immoral or lewd play or other representation on any street.

Dog Fights
Prohibited

51. No person shall set, urge or encourage dogs to fight on any street.

Rope-
walking,
etc.

52. No person shall perform rope-walking or other gymnastic or athletic feat, or assist at the same in any street.

- Crowding 53. Persons shall not stand in a group or near to each other in any street in such a manner to obstruct a free passage for foot passengers, and no person shall crowd or jostle foot passengers on any street so as to cause discomfort, disturbance or confusion.
- Coasting 54. No person shall coast, toboggan, or skate or slide on any street and any sleigh, sled or toboggan found in use or about to be used for coasting or tobogganing on any street, may be seized by any police officer and forfeited to the City.
- Games 55. No person shall play football, cricket, baseball or other game or pastime or throw stones or snowballs on any street.
- Improper Language 56. No person shall, on any street, or in any doorway, window or other opening into such street openly use any profane, obscene, lewd or lascivious language or behaviour and any person so using such language or behaviour may be forthwith taken into custody by any police officer and taken to the police station and there detained for not more than one hour for the purpose of identification.
- Challenging to fight 57. No person, shall, on any street, or in any doorway, window or other opening leading into any street, openly challenge any person to fight, or use abusive or provoking language so as to disturb any person in his shop or house, or when proceeding on the street, and any person so challenging or using such language may be forthwith arrested by any police officer.
- Theatre Queues 58. Persons waiting in any street in attendance for the opening of any theatre or other place of amusement or public meeting or any other place open to the public shall do so in an orderly manner so as not to obstruct the use of the street nor the approach to any adjacent premises; and every person so attending shall obey the instructions of any police officer as to where he shall stand or take a following place in any queue or line of persons so in

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attendance, and any person failing to obey any such instructions shall be liable to a penalty as hereinafter provided.

Loitering

59. Persons shall not stand or loiter in the doorway of any place, or in any private alley, or other private place opening on to any street, unless they are standing or loitering for the purpose of obtaining access to such place, or for some other purpose of business requiring their presence in that place, and the burden of proving such purpose shall be on any person so standing or loitering, and any person failing to satisfy a police officer that he is so standing or loitering from some purpose of business, and failing to depart from such place when so directed may be arrested.

**Nuisance
Prohibited**

60. No person shall commit any nuisance on any street.

61. Every person who contravenes or fails to comply with any of the foregoing provisions of this ordinance with respect to the prevention of disorder and impropriety, shall, for every such offence, be liable to a penalty not exceeding ten dollars and in default of payment to imprisonment for a period not exceeding ten days.

Latest Amendments:

Section 13, 27 and 49

Notice of Motion to Introduce: September 30, 1976

First Reading: October 14, 1976

Committee of the Whole Council: October 20, 1976

Second Reading: October 28, 1976

Approval of Minister of Municipal Affairs:
November 29, 1976

DARTMOUTH CITY BY-LAW C-439

The Dartmouth Police investigated the possibility of using a by-law similar in kind to Halifax when prostitutes appeared to be working over in Dartmouth as a result of the Halifax Police charging them in Halifax. No charges were ever laid under by-law C-439 against prostitutes or their customers.

On the following page is a copy of the Dartmouth City By-law C-439.

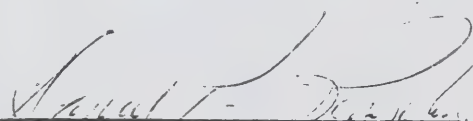
DARTMOUTH CITY BY-LAW C-439

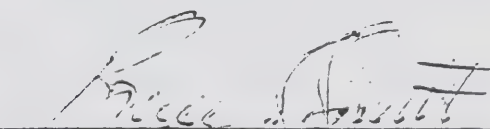
Being a by-law of the City of Dartmouth to amend
By-law C-326 with respect to loitering.

The Council of the City of Dartmouth enacts as
follows:

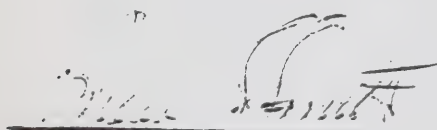
1. Section 2 of By-law C-326 is repealed and the
following substituted therefor.
 - (1) No person shall stand or loiter on or
about the doorways, steps or entrances
of buildings or on or about school
property or on any roads, street, walkways,
or alleys in the City of Dartmouth;
 - (2) No one shall stand or loiter in the common
areas of Shopping Centres, Shopping Malls
or Shopping Complexes in the City of Dartmouth.

Done and passed this 4th day of August A.D. 1981


Mayor



City Clerk

I, Bruce S. Smith, City Clerk-Treasurer of the City of Dartmouth do hereby
certify that the foregoing is a true and correct copy of By-Law C-439
of the City of Dartmouth, duly passed by City Council on August 4, 1981.


City Clerk-Treasurer

City Clerk-Treasurer

BSS:jlb

DEPARTMENT OF MUNICIPAL AFFAIRS
Recommended for approval of the Minister
 Departmental Seal
APPROVED this.....day of.....1981
Minister of Municipal Affairs

Effective November 12, 1981.

ATLANTIC NEWSPAPER REVIEW

A study of newspaper articles pertaining to issues and events of prostitution in Halifax has also been conducted as part of this study. Thirty-seven articles printed in five newspapers from January 1982 to March 1984 are the basis of this review. The articles came from the following five newspapers: the Ottawa Citizen, the Montreal Gazette, the Halifax Chronicle-Mail Star, the St. John's Daily News and the national edition of the Globe and Mail. A search of various libraries and archives in the Maritimes resulted in rather poor and incomplete findings. The actual number of articles collected does not represent all articles written over this time period due to the lack of accurate records of newspaper articles in Halifax. Nonetheless, an attempt has been made to draw observations and conclusions from the articles that were available.

Three major classifications were distinguished: social interest stories, legislative and law-oriented stories, and stories recording actual charges and convictions of persons. Observations and comparisons within these classifications will be noted and explained below.

The first classification of social interest stories consisted of ten articles representing twenty-seven per cent of the collected data. These articles tended to discuss the issue of prostitution in a very general manner. Some case histories of people and events were noted; however, actual names and details were rarely reported. These articles were usually written as special features focussing on the numerous problems surrounding prostitution. Many articles represented the female prostitute as an unfortunate victim of economic and social circumstance. They tended to focus on the reality of life for female street prostitutes and

community services offered to them. These stories also examined community attitudes towards prostitution which saw it as an undesirable evil. With the exception of one article featured in the Halifax-Chronicle/Mail Star in February 1983, none of the newspapersexamined the role of the pimp in prostitution. This article ran with the headline "Man Behind the Girl Real Culprit." As well, not one of the articles focused on the customers or the existence of male prostitution.

The second classification of articles included the legal issues surrounding prostitution. These articles number seventeen in total, representing forty-six per cent of the total number of collected stories. They tended to be written in a more exact and straightforward language and contained more detail than those in the first classification. All of these articles examined the legal dilemmas the current "soliciting" provisions in the Criminal Code present, tending to ignore personal and social details regarding the participants. Seventy-one per cent of these articles focused on the Halifax by-law which was created to prevent "the offering or asking of sexual favours" from transpiring on city streets and thus made it possible for a customer to be charged as well as the prostitute.

The last classification included reports of actual charges laid and convictions for prostitution-related offences. These articles totalled ten in number, representing twenty-four per cent of the total. However, two of these were duplicates of a single case as reported in different newspapers. In all, fifteen individuals were reported as having been charged with prostitution-related offences. Thirteen of the fifteen charged were female prostitutes. The other two were customers charged with the Halifax Street Ordinance when it was in effect. No convictions arose from the latter two charges because of the Westendorp case in Calgary which set a precedent for declaring such a by-law unconstitutional.

In all, only three actual convictions were recorded. Two of these involved raids on escort/massage services in Halifax. One case remains infamous for its seventy-four year old madam and her son, charged with tax evasion. The article revealed that this service had been a successful establishment since WWII. This same case was reported by four different newspapers, all expressing a degree of sympathy for the woman whom the Montreal Gazette described as "a hard-working, well-mannered madam suffering from bronchitis, arthritis and hypertension." This treatment by the press seems to be a carry-over from the attitude of the court which dismissed the charges of "living on the avails of prostitution" (Sec. 195 (1) (j)) and "procuring" (Sec. 195 (2) (a)) because the pair pleaded guilty to tax evasion.

In comparing the different newspapers, it is worthy to note that all of them, with the exception of one paper, reported the issue of prostitution accurately and in a responsible manner. The Daily News differed by treating the subject of prostitution as it does its other subjects, with a sensational approach. An example of this is the use of slang such as "hooker" and "girl" instead of "prostitute" and "woman" in the stories it prints. Story headlines were often visually sensationalized by using large capital letters as opposed to the much smaller print used in other newspapers. In one instance, it included the picture of a female prostitute charged with assault, while other newspapers limited the identification to a name.

A caveat should be reiterated, in summary; that the above observations remain general due to the fact that the research was limited by incomplete data sources.

COMMUNITY AGENCY SURVEY

NAME OF GROUP
CONTACT PERSON
CITY

1. Is prostitution an issue your group ever addressed specifically?
If yes, in what capacity and what motivated you to become involved?
2. What problems/harms do you perceive are associated with prostitution in your city?
3. Do you feel that these problems/harms are being adequately dealt with under present legislation? Explain.
4. What are the unique characteristics of prostitution in your city as opposed to other cities in Canada?
5. Based on your own perception, estimate the number of prostitutes working visibly in your city.

Total number	% under 16	% males
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6. Do you see an increase in the visibility of prostitutes over the last five years?
7. Whom do you perceive to be the customers of prostitution?
(Socio-economic class, age, motivations, etc.)
8. There are generally three options proposed as solutions to the related problems of prostitution: (Decriminalization, legalization, criminalization explained in detail)
What do you perceived to be the strengths and weaknesses of each?
How would the various persons involved be affected by these legal approaches?
9. Does your opinion on the latter question differ concerning children (under 16)? How?
10. Do you feel there is a need for increased social services?
11. If yes, which kinds of services would best address the needs of prostitutes?
12. Other comments.

COMMUNITY AGENCY RESPONDENTSHALIFAXSocial Services

Family S.O.S.

Halifax Department of Social Services

Halifax Children's Aid

Ad-Sum House

Coverdale Trust

Halifax Y.W.C.A.

Byrony House for Battered Women

Home of the Guardian Angel (Salvation Army)

John Howard Society

Nova Scotia Advisory Council on the Status of Women

Service for Sexual Assault Victims

Help Line

Elizabeth Frye Society

Gay Alliance/Gay Line

Halifax School Board - Social Work Department

Bethany Home for Women

Veith House

Child Abuse Registrar's Office

St. Leonard's House

Collins House

Correctional Services

Spryfield Probation Office

Halifax Adult Probation Office

Nova Scotia Correctional Services

Halifax County Correction Centre

Correctional Services cont'd

R.O.P.E (Real Opportunities for Prison Employment)
National Parole Service

Educational Institutions

St. Mary's University

Mount St. Vincent University - Psychology Department

- Faculty of Human and Professional Development

Dalhousie University - Department of History

- Department of Law

- Institute of Criminology

Legal Services

Halifax Prothonotary Office

City Solicitor's Office

Dalhousie Legal Aid Clinic

Media

The Daily News

The Chronicle Herald and the Mail Star

C.B.C. Halifax

Medical Services

I.W. Killam Hospital for Children

Nova Scotia Health and Welfare Department

Atlantic Health Unit

Victoria General Hospital - VD Clinic

Atlantic Child Guidance Centre

North End Medical Centre

Medical Services cont'd

Planned Parenthood of Nova Scotia
Grace Maternity Hospital

Middle Persons

Hotel Clerks: The Citadel Inn
The Barrington Inn
The Holiday Inns
Chateau Halifax

Don's Tax Service
Casino Taxi Service

ST. JOHN'S

Social Services

The Salvation Army - Correctional Services
Newfoundland Status of Women Council
Provincial Advisory Council on the Status of Women
Roman Catholic Office of Social Action
N.A.S.W. Special Interest Group on Pornography

Medical Services

Alcohol and Drug Dependency Commission
Canadian Mental Health Association Social Centre
Association of Registered Nurses of Newfoundland

Educational Institutions

Memorial University of Newfoundland - Faculty of Medicine
- Department of Sociology

Correctional Services

Her Majesty's Penitentiary

NEW BRUNSWICK

Social Services

New Brunswick Department of Social Services

Moncton Y.W.C.A.

Crossroads for Women Inc. - Moncton

Project Unwed Mothers _ Moncton

John Howard Society - Moncton

Correctional Services

West Moorland Penitentiary

Atlantic Region Bureau of Correctional Services Canada - Moncton

Programme des délinquents - Moncton

Middle Persons

Hotel Clerks: The Beausejour - Moncton

The Holiday Inn - Moncton

New Brunswick Liquor Licensing Board

TAXI DRIVER/DESK CLERK SURVEY

1. How long have you been employed as a taxi driver/desk clerk?
2. Have you been employed with the same company?
3. If not, how long have you been with the same company?
4. Do you usually work the day or evening shift?
5. Have you met prostitutes through your work? How many?
6. From your experience, how would you describe a prostitute?
7. Have the women talked with you about their work?
Do they work for themselves or are they employed by some agency?
How much money do they make?
Do they work out of hotels, their own apartments, bars, streets?
Are the women local or from outside the province?
Are the majority of customers local men or men from outside the province?
Could you describe the average customer, i.e., age, occupation, etc.?
From your experience, do you think prostitution has increased in St. John's during the past five years?
If yes, what do you think has contributed to the increase?
9. Do you think prostitution should be legalized, criminalized or decriminalized?
Why?

POLICE QUESTIONNAIRE

I. LOCATION AND INCIDENCE

1. Are there known areas of street prostitution in your city?

(If no, go to #9)

Describe these areas by streets and type of area, (i.e., industrial, residential, small business, etc.)

2. Do different types of prostitution occur in different areas?

Describe

3. If yes, how are these boundaries maintained?

4. How many prostitutes would you estimate are working on the streets of your city IN TOTAL?

What percentage of these are 16 and younger?

What percentage of these are males?

5. How do seasonal conditions effect the location of prostitution?

6. Does any police action contribute to defining the location of prostitution?

Explain

7. If prostitutes change their location within a city, how frequently does this happen & why would they move around?

8. Are you aware of street prostitutes moving from one city to another to work?

Describe

9. Describe the other forms of prostitution in your city (i.e., escort services, massage parlours, etc.) (If none, go to #14)

10. Are they located in the same areas as the street prostitution scene or elsewhere?

11. How many prostituted would you estimate are working out of these arranged businesses?

What percentage of these are 16 and younger?

What percentage of these are males?

12. Does any police action contribute to defining the location of these businesses?

Explain

13. Are you aware of any of these prostitutes moving from one city to another in a circuit to work?

Describe

II. DEFINITION OF PROSTITUTION

14. What is your definition of prostitution?
15. Is prostitution a problem?
16. Describe the different types of prostitution you know of overall and their similarities/differences.
17. Is there any type of prostitution any more problematic than another? Which one? Why?

III. NATURE OF PROSTITUTION

Please answer the following to the best of your knowledge based on your experience. If questions do not apply to your city, leave them blank. Wherever possible, specify whether you are referring to street prostitution or off-the-street prostitution.

18. How do individuals enter prostitution?
What is the average age they enter?
19. Why do they get into it?
20. If they do it for a man, what do they perceive to get in return?
21. Is it possible for an individual to enter for example, at street level and move up? Explain.
22. Are most prostitutes from this city?

If no, where do they come from? (rural communities, other urban centres)
23. What is the average age of prostitutes?
On the street
In off-the-street prostitution
24. Are alcohol and drug abuse a factor in prostitution with any of the people involved? To what degree and how?
25. To what degree is violence involved with street prostitution and between whom?

26. What do you see as the major health issues surrounding prostitution?
27. Are there both full-time and part-time prostitutes on the street and involved in off-the-street prostitution?

If yes, what are the differences between these individuals?
Do many of these individuals have other jobs?

If yes, name some occupations you know they have
28. What is the most common act requested?
29. Why do think this is so?
30. Give a list of all the acts you have ever heard about and the average cost of each.
Do these costs vary within different types of prostitution?
How?
31. Is there a minimum price beneath which prostitutes are not supposed to accept?

What happens if a prostitute undercuts?
32. Are you aware of prostitutes exchanging sex for goods or favours?

Describe
33. Do prostitutes specialize in particular services?

Explain
34. How does a customer make contact with a prostitute?
(Specify for each type of prostitution)
35. Where does the act most often take place?
If a hotel/motel, who pays for the room?
36. Are sex magazines or films/videos often used?

Explain
37. How do prostitutes exit from the occupation.
38. Do you know of any prostitutes who have left the occupation?

If yes, describe
39. What obstacles do they face when they leave?
40. On average, how long do they usually stay in the occupation?
(Explain if this varies for on the street, off-the-street or for males)

41. What do they do after they leave the occupation?
42. Are you aware of any attempt by prostitutes to organize themselves in your city?
If yes, explain

IV. CUSTOMERS

43. Who are the customers of prostitutes? (on and off-the-street, age, sex, marital status, etc.)
44. Are they generally from your city and surrounding areas?
If no, where do they come from?
45. Why are they buying sex?
46. Under what circumstances would you have contact with a customer?
47. Have you ever received complaints from customers?
If yes, what type of complaint?
How do you respond to these complaints?

V. PIMPS

48. What is your definition of a pimp?
49. What percentage of street prostitutes hand their earnings over to a pimp?
50. How does a pimp get a woman to work for him?
51. What is it that keeps her working for him?
52. Do you know of any pimping activities with male prostitutes?
If yes, describe
53. Describe the organizational structure between pimps. Do they share or trade women, work as family units, gangs?
54. Under what circumstances does a woman change pimps?
55. Can a work work independently of a pimp on the streets?
If yes, how do other prostitutes view her?
If no, what would happen if a woman tried to get away from her pimp?

56. How many women do most pimps have working for them at one time?
57. Do pimps in your city work close by to the areas the prostitutes work in?
58. Do they have women working for them in other cities?
Explain
59. Do most pimps have other sources of income?
If yes, give examples
60. Is there a relationship between prostitution and organized crime?
Describe, using examples if possible
61. To what extent does the pimp play a role in off-the-street prostitution?

VI. OTHER PARTIES INVOLVED IN PROSTITUTION

62. Do bellboys, taxi drivers and bartenders act as facilitators in prostitution?
If yes, how?
What is the pay-off for them?
What is the risk for them ?
63. What is the community's reaction to prostitution?
(Business community, residential, City Council)
64. Do you receive complaints regarding prostitution from the community?
If yes, from whom? (What group of people?)
What types of complaints?
How do you respond to these complaints?
65. Which participants are complaints most often directed toward?

VII. THE LAW AND CONTROL OF PROSTITUTION

66. In light of the Debra Hutt decision defining soliciting as "pressing and persistent" and "in a public place", what laws are used in your city to control prostitution on and off-the-street?

67. What is problematic about these laws?
68. How has the Hutt decision affected your job?
70. Describe the processes involved in actually charging prostitutes, from the collection of evidence to the laying of the charge. (Your criteria for placing charges, etc.)
71. Describe the processes involved in actually charging pimps, from the collection of evidence to the laying of the charge. (Your criteria for placing charges, etc.)
72. Describe the processes involved in actually charging customers, from the collection of evidence to the laying of the charge. (Your criteria for placing charges, etc.)
73. Describe the processes involved in actually charging persons running a bawdy house, from the collection of evidence to the laying of the charge. (Your criteria for placing charges, etc.)
74. Whom do you most often charge?
Prostitutes Pimps Customers
75. Do the charges generally proceed through the courts for prostitutes?
pimps?
customers?
76. Do these generally result in convictions for prostitutes?
pimps?
customers?
77. If yes, for any of the above (#75), what types of sentences /fines are generally levied?
for prostitutes
for pimps
for customers
78. Does the force keep records of the charges laid?
If yes, include this in this package if possible.
79. Has your city ever used a by-law to control prostitution before the Calgary by-law decision was rendered?
If yes, name it and the year it was enacted.
80. What was the effect of this by-law on the control of prostitution in your city?

81. Do prostitutes provide information about other types of illegal activity?

If yes, is there any protection afforded the prostitute?

If yes, in what form?

82. What incentives are there for prostitutes to co-operate with the police?

83. How should the law be changed in order to assist you in carrying out your job?

Please add any additional comments.

NEWSPAPER ADVERTISEMENT
PLACED IN THE HALIFAX CHRONICLE AND
MAIL STAR AND THE
THE NATIONAL EDITION OF THE GLOBE AND MAIL

HAVE YOU EVER BOUGHT OR SOLD
SEX FOR MONEY OR FAVOURS?

If so, we'd like to hear from you. We are a research team collecting information on the following:

1. Who are you? (age, sex, occupation, marital status, etc.)
2. Why do you buy or sell sex?
3. What do you think are the related problems, if any?
4. What are some solutions to these problems?
5. Does or should the law restrict such activities?

We also welcome letters and briefs from concerned individuals regarding these issues. Feel free to remain anonymous.

PROSTITUTE SURVEYI. INDIVIDUAL PROFILE

1. Sex
2. Date of birth
3. Race
4. Citizenship status
5. Place of birth
6. Education
7. Marital status
8. Number of children
9. Sexual self-definition
10. Type of principal residence
11. Location of principal residence
12. Co-occupants of principal residence
13. Total annual income (last year)
14. Employment status
- 15A. Occupation (other than prostitution)
- 15B. Presently working: Retired prostitute

II. FAMILY BACKGROUND

16. Where did you spend the majority of your childhood?
17. With whom was the majority of your childhood spent?
18. Sibling rank
19. Number of brothers, sisters
20. Occupation of parental figures
21. What are your strongest childhood memories?

22. Describe the extent of the physical, sexual abuse
23. Was it reported?
24. If yes, how did it come to be reported?
(Who reported it, to whom was it reported, duration since onset)
25. If reported, what was the outcome?
(Charges laid, effect on family)
26. Did you ever run away?
27. If yes, how many times?
28. What was your first sexual experience?
29. How old were you?
30. With whom was it?

III. INTRODUCTION TO PROSTITUTION

31. What is your definition of prostitution?
32. Do you think there is a difference between male and female prostitution?
33. How were you introduced to prostitution?
34. How old were you when you turned your first trick?
35. What form of prostitution did you begin in?
36. Did anyone force you into prostitution?
37. If yes, whom?
38. How did she/he force you?
39. If no, what motivated you to start?

IV. WORKING CONDITIONS

40. Name all forms of prostitution in which you have been involved
41. If you had a choice with which form to be involved, which would it be?
42. Why?

43. (If respondent works on the street, ask:)
What nuisances or public disturbances have you noticed on the streets?
44. What do you think could be done about these?
45. How has the street scene changed since you were first involved?
46. How do you keep your own territory on the street?
47. Do you like your work? Explain
48. Have you worked in other cities?
49. If yes, name the two most recent cities
50. Have you ever (or are you presently) worked for or supported someone?
51. If yes, how much did she/he expect from you daily?
52. What would happen if you could not make the quota?
53. What did she/he offer you in return?

V. AN AVERAGE DAY AT WORK

54. How many hours do you work per day?
55. How many customers do you see?
56. How much money do you make on a good day? On a bad day?
57. Are you ever paid in goods or favours? Explain
58. How do you spend your money?
59. Have you ever filed income tax as a prostitute?
60. Do you use alcohol and/or drugs while working?
61. Why/why not?
62. Do you carry a weapon?
63. If you have children, what arrangements do you make
for them while you are working?

VI. CUSTOMERS AND TRANSACTION

64. (Describe an average customer)
Age

65. Occupation
66. (If subject is male, ask:)
What is the sexual orientation of the customers? Explain
67. Is he usually drinking or on drugs?
68. Why do you think he is buying sex?
69. How do you make contact with the customers?
70. What sexual acts do they ask for most often?
71. How many customers use or refer to pornography during the act?
72. Explain (type, why, how used)
73. Have you ever been asked to pose for still photos or films?
74. If yes, explain (how much was offered, what were you expected to do)
75. Where do you usually go?
76. (If hotel/motel, ask:) Who pays for the room?
77. When are you paid?
78. Name two reasons you would reject a trick
79. How many regulars do you have?
80. Have you ever been approached by a woman wanting to buy sex?
81. If yes, why was she buying sex?
82. What did she ask for?
83. Have you confronted any of the following while you were working?
(Physical abuse, sexual assault, venereal disease)
(If subject is male, ask:) How has the recent alarm about AIDS
affected your work?
(gynecological problems, pregnancy, other hazards)

VII. HEALTH RELATED PROBLEMS

84. (If subject is female, ask:) Do you use birth control?
85. If yes, what kind?

- 86. Do you use condoms while working, in addition to birth control?
- 87. What medical services do you use?

VIII. THE LAW

- 88. Do you have a Canadian criminal record?
- 89. If yes, name the two most serious offences
- 90. If the above offences are not prostitution-related, have you ever been charged with prostitution-related offences in Canada?
- 91. If yes, name two and the outcome
- 92. Were you represented by a lawyer?
- 93. If yes, how did you obtain his services?
- 94. Who paid the legal expenses?
- 95. Have any of your customers ever been charged?
- 96. If yes, what were the charges?
- 97. (If subject ever supported someone, ask:) Has she/he ever been charged?
- 98. If yes, what were the charges?
- 99. With what branch of the police are most often in contact?
- 100. What kind of relationship/problems do you have with them?
- 101. What evidence do the police require to convict for soliciting?
- 102. What evidence do the police require to convict someone of living on the avails?

IX. GENERAL OPINIONS

- 103. The government is currently discussing changes to the Criminal Code. Three options are: (Described to respondent)
Which do you favour? Why?
- 104. How do you feel about persons younger than sixteen working as prostitutes?

105. Do you think you or other prostitutes you know, need any type of social services set up for them?
106. Why do you think other women get into prostitution?
107. (If respondent is presently working, ask:)
Do you intend to quit someday? If no, why?
108. What would you do?
109. (If respondent is retired, ask:) How did you manage to quit?
110. What are you doing now?
111. Is prostitution a problem?
112. What advice would you give to someone who was considering getting into prostitution?
113. Would you be willing to talk to other prostitutes about me and ask them if they would be willing to be interviewed?

CUSTOMER SURVEYI. INDIVIDUAL PROFILE

1. Sex
2. Date of birth
3. Race
4. Citizenship status
5. Place of birth
6. Education
7. Marital Status
8. Number of children
9. Sexual self-definition
10. Type of principal residence
12. Co-occupants of principal residence
13. Total annual residential income
14. Employment status
15. Occupation

II. FIRST EXPERIENCE WITH PROSTITUTION

16. In your own words, describe your first experience with a prostitute
17. Sex of the prostitute
18. Type of prostitute
19. Age of the prostitute
20. How old were you?
21. What did you ask for?
22. How much did you pay?

23. How long was it before you went again?
24. Was this your first sexual experience?
25. Why did you go?

III. GENERAL QUESTIONS

26. What is your definition of prostitution?
27. Is there a difference between male and female prostitution?
28. What is the age of the youngest prostitute you've ever had sex with?
29. What age range do you prefer?
30. What form of prostitute do you most often use?
31. How often do you go to a prostitute?
32. Have you gone to prostitutes in other cities?
33. (If respondent is from out of province, ask:) How often are you in this city?
34. How do you make arrangements with the prostitute?
35. What are you usually doing just prior to going with a prostitute?
(If drinking or smoking drugs, ask:) What does the alcohol/drugs do for you?
36. What do you usually ask for?
37. What is the going rate for this?
38. When do you pay?
39. Instead of paying in cash, do you ever exchange goods or favours for sex?
40. Where do you usually go?
41. (If hotel/motel, ask:) Who pays for the room?
42. Do you ever use sex magazines or films/videos when you're with a prostitute?

43. Generally, do you buy sex magazines or films/videos?
What types?
44. What kind of prostitutes DON'T you like?
45. Do you have a regular prostitute that you see?
46. Why do you go to prostitutes?
47. (If subject has a spouse/mate, ask:)
Does she/he know you go to prostitutes?
48. Have you ever had VD as a result of being with a prostitute?
49. (If respondent goes to prostitutes regularly, ask:)
Do you have regular check-ups?
50. Have you ever been assaulted or robbed by a prostitute?
51. (If respondent hires prostitutes off the street, ask:)
What nuisances or public disturbances have you noticed on the streets?
52. What do you think could be done about these?
53. How has the street scene changed since you were first involved?

V. THE LAW

54. Have you ever been charged with a prostitution-related offence?
55. How did these charges affect you?
56. Do you have any other criminal record?
57. Are you in contact with police at all?
58. What kind of relationship/problems do you have with them?
59. What evidence do the police require to convict someone of soliciting?
60. The government is currently discussing changes to the Criminal Code. Three options are: (listed)
Which do you favour? Why?

61. How do you feel about people under sixteen working as prostitutes?
62. Do you think the prostitutes you know need any type of social services set up for them?
If yes, what types?
63. Why do women (boys, in case of homosexual customers) get into prostitution ?
64. Is prostitution a problem?

ADVERTISEMENTS PLACED IN PENITENTIARIES FOR RESPONDENTS

TO: INMATES OF DORCHESTER PENITENTIARY
NEW BRUNSWICK
VOLUNTEERS WANTED

Are you in for procuring, living off the avails or do you have friends who are into prostitution? If so, I would like to talk to you for about one hour. I am a researcher who is doing work on prostitution. If you think you have something to talk about, tell a guard to put your name on the list and I will set up an appointment to see you. Thanks.

SPECIAL NOTICE!

TO: ALL INMATES OF HER MAJESTY'S PENITENTIARY
NEWFOUNDLAND

I am researching prostitution in St. John's. The work involves structured interviews with prostitutes, customers and management. For the purposes of the research, a prostitute is defined as a person who provides sex for money; a customer is defined as a person who pays money for sex; management is defined as a person or persons who lives off the financial benefits of prostitution. I am looking for men to volunteer for interviews of approximately 20-30 minutes duration. All information is strictly confidential. I do not need names or addresses & the interviews will be arranged on a private, one-to-one basis. If you would like to volunteer, please approach your classification officer.

THE ECONOMICS OF THE TRANSACTION
CALCULATIONS FOR PARTICIPANTS GROSS INCOME

1. FEMALE STREET PROSTITUTE WITH A PIMP:

\$151	average nightly income
x 6	nights per week
<hr/>	
\$906	
x 52	weeks per year
<hr/>	
\$47,112	
- 39,244	83.3% turned over to pimp
<hr/>	
\$ 7,868	TOTAL

2. STREET PIMP:

\$39,244	83.3% of one prostitutes' annual earnings
x 2	prostitutes
<hr/>	
\$78,488	TOTAL

3. FEMALE STREET PROSTITUTE WITHOUT A PIMP:

\$90	average nightly income
x 6	nights per week
<hr/>	
\$540	
x 52	weeks per year
<hr/>	
\$28,080	TOTAL

4. MALE STREET PROSTITUTE:

\$100	average nightly income
<u>x 6</u>	nights per week
\$600	
x 52	weeks per year = \$31,200

5. ESCORT/MASSAGE SERVICE PROSTITUTE:

\$420 average nightly income
 x 7 nights per week

 \$2940
 x 49 weeks per year (estimated 3 week holiday
 per year)

 \$144,060 TOTAL (before expenses)

6. MADAMS AND MANAGERS OF ESCORT/MASSAGE SERVICES:

\$1200 average nightly income from 4 prostitutes (40%)
 x 7 nights per week

 \$8,400
 x 52 weeks per year

 \$436,800 TOTAL (before expenses)

AVERAGE HOURLY RATE= $\frac{\text{AVERAGE NIGHTLY INCOME}}{\text{AVERAGE NUMBER OF HOURS}}$

AVERAGE AMOUNT PER TRICK= $\frac{\text{AVERAGE NIGHTLY WAGE}}{\text{TOTAL NUMBER OF TRICKS}}$

**ANNUAL COST ESTIMATE OF POLICING PROSTITUTION
HALIFAX POLICE DEPARTMENT**

A. PERSONNEL COST

The Morality Division consists of one Detective and one Constable.

Detective:	\$36,662.20 ('84 salary) + 4,033.00 (fringe benefit @ 11%)	\$ 40,695.00
Constable:	\$31,051.00 ('84 salary) + 3,416.00 (fringe benefit @ 11%)	<u>34,467.00</u>
	TOTAL ANNUAL SALARIES	\$ 75,162.00
	Percentage of annual time devoted to policing prostitution	<u>x 50%</u>
	SALARY COST RE: policing prostitution	<u>\$ 37,581.00</u>

B. VEHICLE UTILIZATION

One vehicle \$10,000.00/5 years useful life	\$ 2,000.00
Operating costs (gas, oil, maintenance) - 87 x \$23 =	2,000.00
Occasional car rental (special operations)	<u>500.00</u>
TOTAL VEHICLE COST	<u>\$ 4,500.00</u>

C. CRIMINAL INTELLIGENCE UNIT UTILIZATION

Primarily geared to organized prostitution, the annual cost is estimated. Cost includes: salary, fringe benefits, over-time, auto rental, special equipment. (Based on MacCallum case, 1981.)

Note: Most years have not utilized C.I.U. to this degree.	<u>\$ 50,000.00</u>
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D. UNIFORM PATROLS

Patrol Time:	2 hours per night x \$31,051/2,080 x 365	\$ 10,898.00
Plus:	uniform/equipment costs (one policeman) 1,079 x 1/6	<u>179.00</u>
	TOTAL UNIFORM PATROLS	<u>\$ 11,077.00</u>

**ANNUAL COST ESTIMATE OF POLICING PROSTITUTION
HALIFAX POLICE DEPARTMENT (cont'd)**

E. MISCELLANEOUS DATA

a) Booking Procedure Cost:	1 Corporal's salary and fringe benefits \$38,080.00 x time involved 1/2,808 =	\$ 18.00
Plus other Processing Charges:	Finger printing (based on public charge)	5.00
	Document Cost	<u>.50</u>
	TOTAL BOOKING COST	<u>\$ 23.50</u>
b) Lock-Up Cost:	one night	<u>\$ 100.00</u>
Lock-Up Overhead Rate:	per night, including one meal (\$3)	<u>\$ 100.00</u>
c) Ambulance Trip:	Estimated 1.5 hour @ Constable rate of 14.72	<u>\$ 22.00</u>
d) Court Time:	Estimated 4.5 hours pay @ Constable rate 14.72/case	<u>\$ 80.00</u>
	SUB-TOTAL	225.50
	Multiply this by 5.5 cases per year (based on 1976-1984 Police Occurrence Records)*	<u>x 5.5</u>
	TOTAL	<u>\$ 104,398.25</u>

* Note: These figures were provided by the Accounting Department of the Halifax Police Department, March 27, 1984.

